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THE

HIRD TREATISE

OF THE

RST PART

OF

NCIENT

urch-Government.

REFLECTING

e late writings of ſeveral Learned
oteſtants, Biſhop Br*amhall*, Dr. *Field*,
. *Fern*, Dr. *Hammond*, and others on
is Subject.

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Dr. Field, *of the Church. Ep. Dedicat.*

SEing the controverſies of Religion in our times are grown in number ſo many, and in matters ſo intricate, that few have time and leiſure, fewer ſtrength of underſtanding, to examin them; what remaineth for men deſirous of ſatisfaction in things of ſuch conſequence, but diligently to ſearch out, which amongſt all the Societies in the world is that bleſſed company of Holy ones, that Houſhold of faith, that Spouſe of Chriſt, and Church of the Living God, which is this pillar and ground of Truth, that ſo he may embrace her Communion, follow her Directions, and reſt in her Judgment.

Grot. Animadv. cont. *Rivet.* ad Art. 7.

Rogo eos, qui verum amant, ut cum legent Dav. Blondelli *viri diligentiſſimi Librum de Primatu, non ipſius* σοφὰ φάρματα, *ſed ipſas hiſtorias, quarum veritatem* Blondellus *agnoſcit, animo a factionibus remoto expendant; ſpondeo, ſi id faciant, inventuros, in quo acquieſcant.*

S. Auſtin *de util. credendi,* 16. c.

Authoritate decipi miſerum eſt, miſerius non moveri; ſi Dei providentia non præſidet rebus humanis, nihil eſt de religione ſatagendum. —Non eſt deſperandum ab eodem ipſo Deo authoritatem aliquam conſtitutam, qua velut, gradu incerto, innitentes attollamur in Deum. Hæc autem authoritas ſepoſita ratione (qua ſincerum intelligere, ut diximus, difficillimum ſtultis eſt) dupliciter nos movet, partim

miraculis, partim sequentium multitudine. —10. c. *Sed inquis, Nonne erat melius rationem tibi reddere, ut quocunque ea me duceret, sine ulla sequerer temeritate? Erat fortasse: sed cum res tanta sit, ut Deus tibi ratione cognoscendus sit, omnesque putas idoneos esse percipiendis rationibus, quibus ad divinam intelligentiam mens ducitur humana? an plures? an paucos? paucos ais, existimo. Quid ceteris ergo hominibus, qui ingenio tam sereno præditi non sunt, negandam religionem putas?* [who therefore must receive this, not from Reason, but Authority.] —12. c. —*Quis mediocriter intelligens non plane viderit, stultis utilius ac salubrius esse præceptis obtemperare sapientum, quam suo judicio vitam degere?* —13. c. —*Recte igitur Catholicæ disciplinæ majestate institutum est, ut accedentibus ad religionem fides* [i.e. *adhibenda authoritati Ecclesiæ*] *persuadeatur ante omnia.* 8. c. —*Si jam satis jactatus videris, sequere viam Catholicæ disciplinæ, quæ ab ipso Christo per Apostolos ad nos usque manavit, & abhinc ad posteros manatura est.* —12. —*Quum de religione, id est, quum de colendo atque intelligendo Deo agitur, ii minus sequendi sunt, qui nos credere vetant, rationem promptissime pollicentes.*

Rivet *Apol. Discussio. p.* 255.

Nunc plane ita sentit Grotius, *& multi cum ipso, non posse Protestantes inter se jungi, nisi simul jungantur cum iis qui Sedi Romanæ cohærent, sine qua nullum sperari potest in Ecclesia commune regimen. Ideo optat, ut ea divulsio quæ evenit, & causæ divulsionis, tollantur. Inter eas causas non est Primatus Episcopi Romani secundum Canones, fatente* Melancthone, *qui eum primatum etiam necessarium putat ad retinendam unitatem. Neque enim hoc est Ecclesiam subjicere Pontificis libidini, sed reponere ordinem sapienter institutum.*

Bishop

Not Antichrist, but ancient Councils, and Christian Emperors, perceiving the mighty trouble and intolerable charges, that the Bishops of every Province were put to, by staying at Synods for the hearing and determining of all private matters and quarrels; and seeing no cause to imploy the Bishops of the whole world twice every year to sit in judgment about petit and particular strifes and brabbles: as well the Prince as the Bishops, not to increase the pride of Archbishops, but to settle an indifferent course, both for the parties and the Judges, referred (not the making of Laws and Canons, but) the execution of them already made, to the credit and conscience of the Archbishop. —Tho the Fathers leave an Appeal either to the Councils, or the Primate of every Nation.

Mr. Thorndike, *Epilogue* 3. *l.* 20. *c. p.* 179.

Of the Councils [*he meaneth those first Councils held in the East*] how many can be counted General by number of present votes? The authority of them, then, must arise from the admitting of them by the Western Churches: and this admission of them what can it be ascribed to, but the authority of the Church of *Rome*, eminently involved, above all the Churches of the West, in the summoning and holding of them, and by consequence in their Decrees? And indeed, in the troubles that passed between the East and the West, from the Council of *Nice*, tho the Western Churches have acted by their Representatives, upon eminent occasions, in great Councils; yet in other occasions they may justly seem to refer themselves to that Church, as resolving to

regulate

regulate themſelves by the Acts of it, [*and then he produceth ſeveral inſtances.*] —Whereby (*ſaith he*) it may appear, how the Weſtern Churches went always along with that of *Rome*. —Which neceſſarily argueth a ſingular preeminence in it; in regard whereof He [*the Roman Biſhop*] is ſtiled the Patriarch of the Weſt, during the regular government of the Church; and being ſo acknowledged by K. *James* of Excellent memory to the Card. *Perron*, may juſtly charge them to be the cauſe of dividing the Church, who had rather ſtand divided than own him in that quality. [*Afterward he ſaith*, p. 180.] That it is unqueſtionable, that all cauſes that concern the whole Church, are to reſort to the Church of *Rome*.-[*And* p. 181. *asks*] what pretence there could be to ſettle Appeals from other parts to *Rome*, [*as ſuch Appeals were ſetled in the Council of* Sardica, *which Council he there allows, and calls General,*] rather than from *Rome* to other parts, had not a preeminency of Power, and not only a precedence of Rank, bin acknowledged originally in the Church of *Rome*.

COR-

CORRIGENDA.

Page 29. *l.* 7. else he would.
Page 55. *l.* 80. thro five or six.
Page 115. *l.* 3. except that of one or two of his Predecessors.

CONCERNING
ANCIENT CHURCH-GOVERNMENT.

PART I.

Of the Authority and Subordinations of Eccleſiaſtical Governors.

§. 1. *Subordination of Clergy.*

FOR the better Governing of the Church of Chriſt in Truth, Unity, Uniformity, and Peace; and for the eaſier ſuppreſſing of all Errors, and Diviſions; and for rendring all the Church of God, tho diſpers'd thro ſeveral Dominions, but one viſible compacted Society; we find anciently theſe Subordinations of ſuperior Clergy: 1. Presbyters. 2. Biſhops. 3. Metropolitans; and (amongſt Metropolitans) Primates. 4. Patriarchs; and (amongſt theſe Patriarchs) a Primate.

§ 2. *Three Patriarchs only at the firſt.*

Of theſe Patriarchs, in the firſt General Council of *Nice*, held *A. D.* 325. there were only Three [call'd, at the firſt, by the common name of *Metropolitans*; tho with a diſtinct authority from the reſt: Then, by the name of *Primates*, (2. *Gen. Con. Conſt. can.* 2. 5.)-(this name alſo being common to ſome others): Afterward by the name of *Patriarchs*, (*Conc. Chalc. Act.* 3.—8 *Gen. Conſt. can.* 10.) Neither was this name (tho moſt frequently) always applied only to the Patriarchs of the firſt Sees. But we find in the *Eaſt* (the Primates of *Aſia minor*, *Pontus*, *Thrace*, and many others, to the

number of nine or ten, call'd by *Socrates*, who writ in the fifth Age, *Eccl. Hist. l.* 5. *c.* 8.) *Patriarchs*; (call'd so, as well as by the name of *Primates*, in respect of some other Bishops, or also Metropolitans, subject to them); yet which Patriarchs had also a subordination and subjection to some of these prime, or major, Patriarchs, of whom we here speak; as appears in the Church-History; and especially in *Conc. Chalced. Act.* 3. and *Act.* 16. And we find also in the West (after *A. D.* 500.) several Primates in *France*, *Italy*, *Spain*, call'd Patriarchs; as the Primate of *Aquileia*, *Gradus*, *Lions*, (see *Conc. Matiscon.* 2. *in præfat. Priscus Episcopus Patriarcha dixit, &c.* See *Greg. Turon.* 5. *hist.* 10. *Paul Diacon. l.* 2. *c.* 12. *Greg. Epist. l.* 11. *ep.* 54.) yet over whom the *Roman* Bishop, the major Patriarch of the West, exercis'd a superiority and Patriarchal jurisdiction, both before and after that we read this name given to them; as will appear hereafter in this discourse, and more particularly in the matter of the Letters of *Leo*, and *Gregory*, and other Popes, written upon several occasions to divers of them. This I note to you, that the commonness of the name may not seem to infer an equality of the authority. Now to go forward.]

§ 3. *n.* 1. *The first of these the Bishop of Rome.*

The first and chief of these was the Bishop of *Rome*; whose Patriarchship the Bishop of *Derry* (*Vind. Ch. Eng. c.* 5. *p.* 62.) and Dr. *Hammond* (of *Schism*, *c.* 3. *p.* 51, 52.) following *Ruffinus Eccl. Hist. l.* 1. *c.* 6. (one less to be credited in this matter, because by the Bishop of *Rome* formerly excommunicated; see *Anastasius* 1. *ad Johan. Hierosol.*) make very narrow, and much inferior to that of the two other Patriarchs (whereof one had subjected unto him all *Egypt*, *Lybia*, and *Pentapolis*; and the other, all *Syria*, and the Oriental Churches,) allowing to the Bishop

Biſhop of *Rome* only *regiones ſuburbicarias* in the Eaſtern parts of *Italy*, and the Iſlands of *Sicily*, *Sardinia*, and *Corſica*, near adjoining to it. But over theſe Churches that Biſhop might have ſome more immediate ſuperintendency, and Metropolitan- or Primat-ſhip, contradiſtinct to other Metropolitans, as to that of *Millan*, &c. (So the Primat of all *England* hath yet a particular ſuperintendency over one Dioceſs more than over the reſt; of which more particular ſuperintendency over the *regiones ſuburbicariæ*, as he was their Primate or Metropolitan, *Ruffinus* ſeems to ſpeak; and perhaps the 6th *canon* of *Nice* [*Mos antiquus perduret, in Ægypto vel Lybia & Pentapoli, ut Alexandrinus Epiſcopus horum omnium habet poteſtatem; quoniam quidem & Epiſcopo Romano parilis mos eſt. Similiter autem & apud Antiochiam, cæteraſque Provincias, honor ſuus unicuique ſervetur Eccleſiæ.*] may be thought partly to intend it, for which conſider thoſe words in that *6th* Canon [*cæteraſque Provincias* &c] compared with *Concilium Conſtantinopolitan. 2. Can.* —and *Conc. Epheſ. 8. can.* Yet do not theſe Canons therefore abrogate any ſuperior rights of any Biſhop, *quæ prius atque ab initio ſub illius ſeu anteceſſorum ſuorum fuerit poteſtate* (to uſe the phraſe of the forementioned *8th Canon* of *Epheſus*,) but confirm them, not only the Metropolitan, but alſo whatever Patriarchal Rights they held formerly: as appears in thoſe firſt words of the 6th *Nicene* Canon, τὰ ἀρχαῖα ἔθη κρατείτω, of which ſee more below § 19. from which the *Roman* Primacy was both urged by *Paſchaſius*, a Legat of the See Apoſtolick in the *4th* General Council, and alſo acknowledged by the Council in their Epiſtle to *Leo.* (See below § 25 *n.* 2.) And again on the other ſide, (as *Bellarmin de Rom. Pontif. 2. l. 18. c.* obſerves,) the Pope's being *Caput Eccleſiæ univerſæ* (ſuppoſing him to be ſo)

The extent of his Patriarchate.

ſo) in ſome general way of ſuperintendency, or for ſome particular acts and offices, (as ſuppoſe for receiving appeals, deciding controverſies, between the chief Governors of the Churches admitting them to, and depoſing them from, their places, obliging them *pro tempore* with his decrees,) hinders not, but that he may be alſo a Patriarch, a Metropolitan, a Biſhop, in reſpect of ſome other more immediate ſuper-intendencies and offices divers from the former; which he doth actually exerciſe over ſome particular Church or Churches, but doth not ſo over others; or which alſo he cannot exerciſe over the whole as he doth over thoſe particular Churches, (as, ſuppoſe, for ordaining the inferior Biſhops and Presbyters, and hearing their cauſes, perſonally officiating in the Word and Sacraments, receiving and diſtributing the Eccleſiaſtical revenue thereof *&c.*) Nor again, *e converſo*, (as Cardinal *Perron*, in anſwer to K. *James*, obſerves,) doth his governing only the *Roman* Province, as their Metropolitan; or only *Italy*, as their Primate, hinder, that he ſhould govern the Weſt alſo as their Patriarch. Nor again, doth his governing the Weſt as their Patriarch) becauſe he was Biſhop of *Rome*, the chiefeſt city of the Weſt) hinder, that he may not alſo, as S. *Peter* and S. *Paul*'s Succeſſor there, (to one of whom the Jew, and to the other, the Gentiles, were committed, (*Gal.* 2. 7, 9.) have ſome ſpecial ſuperintendency over all the Church, Jew, and Gentile.

§ 3. *n.* 2. I know, it is earneſtly pleaded by Biſhop *Bramhal Vind.* 8. *c. p.* 251. and *Rep.* to *S.W.* 10. *s. p.* 69. —That, 'to have an univerſal Headſhip over the Church, and 'to have a Patriarchal authority or headſhip over only 'ſome part of the Church; to have a limited juriſdi-'ction over a certain Province, and to have an unlimited juriſdiction

'jurisdiction over the whole world. —To challenge 'the same thing from divine, and from humane, insti- 'tution; as Patriarch, to be subject to the Canons, as 'Universal Head of the Church, to be above them, are 'contradictions. And in *Schis. guarded*, 4. *sect. p.* 304. is again urged by him, that Sovereign government, and Subordinate government of the same person in the same Society, is inconsistent; where he hath also these words. "When I did first apply my thoughts to a sad 'meditation on this subject, I confess ingeniously, that 'which gave me the most trouble, was to satisfy my 'self fully about the Pope's Patriarchate; but in con- 'clusion, that which had bin a cause of my trouble, 'proved a means of my final satisfaction. For seeing it 'is generally confessed, that the Bishop of *Rome* was a 'Patriarch, I concluded, that he could not be a Spiri- 'tual Monarch. Tis urged likewise by Dr. *Hammond*, in *Schis.* 6. *c.* 2. *s.* "—That he that is supposed in (gross) 'to have by Succession to S. *Peter* that original title to all 'power, over all Churches, cannot be imagined to ac- 'quire it afterward (by way of retail) [i.e. *by any other 'ways and means*] over any particular Church. He that 'claims a reward as of his own labour and travel, must 'be supposed to disclaim donation, which is antecedent 'to, and exclusive of, the other; as the title of descent 'is, to that of conquest. Thus Dr. *Hammond*. But to these it is easily answered.

1. To Bishop *Bramhal*: That nothing consists bet- ter together than contradictories, if they be not under- stood *secundum idem*. To have a headship Universal over the whole Church, given him by God, or by the Church, (if God hath left to it the disposal thereof) *for some things*, and to have a headship Patriarchal only over *§.* 3. *n.* 3.

over ſome part of the Church given by the ſame authority; or the firſt given by God, the ſecond by the Church, *i. e.* the firſt by divine, the ſecond by humane, inſtitution, *for ſome other things*, contradict not. To have an unlimited power (if he means for place) for ſome things, and limited (for place) for other things, contradict not: To hold the ſame power or authority both by divine and humane inſtitution, or title, or laws, (which are all one,) contradicts not; unleſs this term [*only*] be added. One may hold the ſame thing both from the donation of our Saviour, and from the donation of the Church too, and from the donation of the Prince too, *quantum in illis eſt*, which is only a conſenting to Chriſt's donation, if they acknowledge it. Neither will theſe latter donations be needleſs, or uſeleſs, *ad homines*, tho the former donation be good; if the former be at any time queſtioned, as many good titles have bin. Again, it doth not contradict, that one as Patriarch be ſubject to ſome thing, to which, in another conſideration, *i. e.* as head of the Church, he is not ſubject; for the reſpect is changed. Chriſt the ſame perſon as Man was ſubject to laws, to which as God he was not. So Sovereign government and Subordinate government of the ſame perſon in the ſame Society are conſiſtent. The government of a city is ſubordinate to the office of a Prince in the ſame civil ſociety; yet may the Prince, that rules over all the Kingdom, be governor alſo of ſome particular city thereof, (if ſo he pleaſeth for his more ſecurity,) and may execute in that city all thoſe under-offices himſelf, which his Subſtitutes do in the reſt, or alſo formerly did there, by his authority. A Rectorſhip of a Pariſh is ſubordinate to that of a Biſhop in the ſame Eccleſiaſtical ſociety, and yet the Biſhop may alſo be the Parſon of ſome Pariſh within

within his Dioceſs, and officiate therein, as is uſual in ſome poorer Biſhopricks. One may be made by the King governor of a whole Province, in reſpect of ſome command which he hath over it all; and may be made by the ſame King, or by any other, to whom the King hath given the beſtowing of ſuch a dignity, governor alſo only of one city in that Province; in reſpect of ſome other offices, divers from the former, which he may exerciſe over that town, and not likewiſe over the Province. Thus much to Biſhop *Bramhal.* Only I muſt tell you, that he may put his propoſitions in ſuch a ſence, as they ſhall point-blank contradict: but then he will not be able to ſhew, that, in ſuch a ſence, the *Roman* Church affirms them.

2. To Dr. *Hammond*, I anſwer, That no man can acquire the poſſeſſion of a thing anew, which he already poſſeſſeth, but he may acquire a new title or right to what he already rightly poſſeſſeth, *i. e.* he may do ſomething upon which another law, which now doth not, ſhall give him right to the ſame thing, ſuppoſing that his preſent right faileth, or is queſtioned. Neither needeth he, when ſuch titles are queſtioned, adhere to one, and renounce the other, but may ſucceſſively plead both; one after another. Indeed when theſe two titles are in ſeveral perſons, one voids the other, the former the latter; becauſe the ſame thing cannot, at the ſame time, be poſſeſſed by ſeveral perſons, (as Dr. *Hammond* rightly argues in *Rep. to Cath. Gent. 6. cap.* 1. *s.*) but ſeems to me to apply it amiſs to two titles remaining in the ſame perſon, that the one of theſe will ſpoil the plea of the other. So one may receive a poſſeſſion from a Prince by free donation; and afterward, fearing ſome cavil at this title, may acquire another right to the ſame thing by purchaſe; either from the ſame Prince,

Prince, or from any other perſon of his Subjects, who pretends to have the juſt diſpoſal thereof. And this perſon may afterward plead, as he ſeeth cauſe, either of theſe titles, the donation from the Prince, or purchaſe from the Subject; which Subject whether he had a right power to diſpoſe of ſuch a thing, or no, yet the purchaſer's plea is good againſt him, and againſt all thoſe who are bound by his act, ſo that they cannot reſume ſuch poſſeſſion from him. So, to come nearer our buſineſs; Suppoſe a donation by our Saviour of ſuch a Supremacy for ever over the whole Church, and ſo over *Britain*, to S. *Peter's* Succeſſor; and ſuppoſe a donation (*quo jure* I need not here enquire) by the Church, of the ſame Supremacy to the Patriarch of the Weſt over all the Weſt, and ſo over *Britain*: and ſuppoſe 3*ly*, a donation or conſent by the inhabitants of Great *Britain* of the ſame Supremacy over them to the firſt author of their converſion: I ſay here, the ſame perſon being S. *Peter's* Succeſſor, and Patriarch of the Weſt, and converter of *England*, may challenge ſuch Supremacy over it, by which of theſe titles he pleaſeth; they being obliged to all; to our Saviour's Act, of whom they are ſubjects, to the Act of the Church, (whereof they are a part,) and to their own. But when theſe three titles are pretended by three ſeveral perſons, but one of them can ſtand in force; Or, if any one will ſay, that poſſeſſion can never relate ſave only to one ſingle title; yet if this be granted, that there may be ſeveral titles inherent in the ſame perſon, of which the one failing the poſſeſſion may ſtill juſtly relate to another; All will come to one, namely this; That no other can diſpoſſeſs this perſon, unleſs he firſt prove (not only one, but) all his titles faulty. Thus much that a Primatſhip, a Patriarchſhip, and an Univerſal Headſhip may be well conſiſtent in one perſon.

ſion. This rub being removed, now to go on.

But tho the fore-nam'd Writers much ſtraiten the Biſhop of *Rome's* juriſdiction, and make his Primateſhip, and Patriarchſhip both one; yet *Balſamon* (in his Explication of the *Nicene* Canons), and *Nilus* (in his Book againſt the Primacy), no great Friends to the Greatneſs of *Rome*, looking upon that authority which he always exercis'd over the other Metropolitans of the Weſt (of which more hereafter), beſides that which he had over his own more particular Suburbican Dioceſs, do enlarge this his Patriarchſhip to all the Weſt; *Quoniam & Romanus Epiſcopus præeſt Occidentalibus Provinciis*, (ſaith *Balſamon.*) "*Balſamon* and *Nilus* in-'terpret the words of the *Nicene* Decree (ſaith Dr. *Field*, 'l. 5. *c.* 31.) that the Biſhop of *Alexandria* ſhall have the 'charge of *Egypt*, *Lybia*, and *Pentapolis*, and the Confirm-'ing of the Metropolitans in thoſe parts; becauſe the 'Biſhop of *Rome*, who hath care of the Weſt, Confirm-'eth the Metropolitans of the Weſt. And, before theſe, *Zonaras* a *Greek* Writer likewiſe, (on *Conc. Sard. can.* 5.) granteth the more Weſternly of the Eaſtern Provinces at that time to have belong'd to the *Roman* Church. "To the *Roman* Church (ſaith he) were then ſubject 'all the Weſtern Churches, namely, thoſe of *Macedo-'nia*, *Theſſalia*, *Illyricum*, *Epirus*, which were afterward 'ſubjected to the Church of *Conſtantinople*. And likewiſe Dr. *Field*, being preſs'd with many inſtances (not denyable) concerning the Biſhop of *Rome's* authority moſt anciently exercis'd over the Biſhops, not only, of *Spain*, *France*, *Africk*, *&c.* in the Weſt; but alſo, of ſome parts of *Greece*, *Thebes*, *Theſſalonica*, *Corinth*, *&c.* in the Eaſt; whereby they endeavour'd to prove his Univerſal [Vicarial] Headſhip over all the Church; is glad

§ 3. *n.* 4.

to plead; That the *Roman* Biſhop uſed ſuch authority, not as Head of all the Church, but as Patriarch of the Weſt; embracing *Balſamon's* opinion; and proving, out of *Cuſanus*, that ſuch places, as are urged by the *Romaniſts*, do belong to the *Roman* Patriarchſhip. (Which Patriarchſhip the other Doctors labouring to ſtraiten, how they will avoid another Univerſal Super-intendentſhip of the ſame Biſhop, urg'd by the *Roman* party, I ſee not). See *Field l.* 5. *c.* 37. *p.* 551.—*c.* 38. *p.* 560.—*c.* 39. *p.* 570. and *p.* 568. where he hath theſe words: "Appeals, of ancient time wont to be made out of 'France to *Rome*, no way prove the Biſhop of *Rome* to 'be Univerſal Biſhop; unleſs we will acknowledg every 'one of the Patriarchs to have been ſo too: it being 'lawful to appeal unto them out of any, the remoteſt, 'Provinces ſubject to them. And *c.* 38. *p.* 560. where Dr. *Field* confeſſeth, that *Leo* (who liv'd in the time of the fourth General Council) conſtituted *Anaſtaſius* Biſhop of *Theſſalonica* his Vicegerent for the parts thereabouts, as others his Predeceſſors had done former Biſhops of that Church; 'which, (ſaith he) cauſing great 'reſort thither upon divers occaſions, may be thought 'to have been the reaſon, why the Council of *Sardica* '(*Can.* 20.) provideth, that the Clergy-men of other 'Churches ſhall not make too long ſtay at *Theſſalonica* '[this Council of *Sardica* was about twenty years after 'that of *Nice*.] So the ſame *Leo* made *Potentius* the 'Biſhop his Vicegerent, in the parts of *Africa*; *Hormiſda* 'Biſhop of *Rome* about *ann.* 500. *Saluſtius* Biſhop of '*Hiſpalis*, in *Bætica* and *Luſitania*; and *Gregory*, *Virgilius* 'Biſhop of *Arles*, in the Regions of *France*: all theſe 'places being within the compaſs of the Patriarchſhip 'of *Rome*. And the ſame may be ſaid of the Biſhop of '*Juſtiniana prima*; who was appointed the Biſhop of '*Rome's*

'*Rome's* Vicegerent in thoſe parts, upon ſignification of 'the Emperor's will and deſire that it ſhould be ſo. Thus he. To this I will add, the teſtimony of *Innocent* I. Biſhop of *Rome* in St. *Auſtin*'s time, who (*Epiſt.* 1. *Decentio Epiſcopo Eugubino*) preſcribing ſome Roman Orders to be obſerv'd in the Weſtern Churches, there gives a more particular reaſon of their obedience, to obſerve the Rules and Cuſtoms of the Roman See; namely, their converſion to Chriſtianity by it; *Quis enim neſciat* (ſaith he) *aut non advertat id, quod a Principe Apoſtolorum Petro Romanæ eccleſiæ traditum eſt, ac nunc uſque cuſtoditur, ab omnibus debere ſervari, &c.—præſertim, cum ſit manifeſtum, in omnem Italiam, Gallias, Hiſpanias, Aphricam, atque Siciliam, inſulaſque interiacentes, nullum inſtituiſſe Eccleſias, niſi eos, quos venerabilis Apoſtolus Petrus, aut ejus ſucceſſores conſtituerunt ſacerdotes, &c.* And afterward he ſaith, *Quibus* [*i.e. Decentius* his propoſals] *idcirco reſpondimus, non quod te aliqua ignorare credamus, ſed ut majori authoritate vel tuos inſtituas, vel, ſi qui a Romanæ eccleſiæ inſtitutionibus errant, aut commoneas, aut indicare* [*i.e.* to the Biſhop of *Rome*] *non differas, ut ſcire valeamus, qui ſint, qui aut novitates inducunt, aut alterius eccleſiæ, quam Romanæ, exiſtimant conſuetudinem eſſe ſervandam.* The ſufficiency of the reaſon given here I will not now diſpute; but this appears, that over all thoſe Churches he then exercis'd ſome authority. And ſee below (§ 23. and elſewhere) many inſtances of the Roman Biſhops authority exercis'd over the Biſhops of *France*, of *Spain*, and other Weſtern Provinces, before the ſitting of the firſt Council of *Nice*; to all which therefore, and not only to the *regiones ſuburbicariæ*, muſt the 6th *Nicene* Canon [*Mos antiquus perduret*] be extended.

§ 4. *The second, the Bishop of Alexandria.*

Thus much of the first Patriarch, The second was the Bishop of *Alexandria*; containing under his Patriarchship, all the Archbishops and Bishops of *Egypt* and *Lybia*.

§ 5. *The third, the Bishop of Antioch.*

The third, of *Antioch*; containing under him all the Archbishops and Bishops of the East; and amongst the rest, the Bishop of *Jerusalem*, whose Metropolitan, as also of all *Palestine*, was the Bishop of *Cæsarea*: But he subject to the *Antiochian* Patriarch. See *Hierom's* Epistle to *Pammachius* against *John* Bishop of *Jerusalem*,—*Ni fallor hoc ibi* [*i. e. in Concilio Niceno*] *ut Palestinæ Metropolis Cæsarea sit; & totius Orientis Antiochia. Aut igitur ad Cæsariensem Archiepiscopum referre debueras, cui, spreta communione tua, communicare nos noveras; aut si procul expetendum judicium erat, Antiochiam potius literæ dirigendæ.*

§ 6. *From whence their superiority over other Bishops.*

And these three Bishops had a superiority to the rest, from most ancient custom and tradition, which was rather confirm'd, than given, to them in the *Nicene* Council, as appears by those words in the 6th Canon thereof, [*Mos antiquus perduret;*] and by those in the 7th (concerning some Honour also allow'd to the Bishop of *Hierusalem*, yet [*manente Metropolitanæ civitatis dignitate*]) —*Quoniam mos antiquus obtinuit & vetusta traditio.* Such expressions we find also in *Conc. Antioch. can.* 9. [*secundum antiquam a patribus nostris regulam constitutam*;] and in *Conc. Ephes. can.* 8. [*singulis Provinciis pura & inviolata, quæ jam inde ab initio habent, jura serventur*]; wherein the Councils shew themselves very zealous for preserving all ancient customs and privileges. So St. *Ignatius* the Martyr, living presently after

after the Apoſtles times, in his Epiſtle to the *Romans*, ſtiles himſelf the Paſtor of the Church in *Syria*; becauſe that whole Region belong'd alſo in thoſe times to the Metropolis of *Antioch*, as Dr. *Hammond* obſerves out of him (*Sch. p.* 50.) And this ſuperiority over the reſt theſe three Metropolitans had, as was anciently conjectur'd, from St. *Peter* (who was firſt, or Primate of the Apoſtles) his being Biſhop of *Rome*; and formerly of *Antioch*; and his having alſo (by his Diſciple *Mark*, ſent thither) a more particular relation to the Church of *Alexandria*. Theſe therefore were call'd *Apoſtolicæ ſedes* (which title was alſo ſometimes anciently communicated to ſome other Churches beſides theſe, where any of the Apoſtles had for any long time made their reſidence, as to *Epheſus*, to *Jeruſalem*, *&c.*): but, κατ' ἐξοχὴν, the *Roman* See, the laſt and moſt eminent Seat of the two greateſt Apoſtles, St. *Peter* and St. *Paul* (not diſputing here what ſubordination there was between theſe two, whoſe Government the Divine Wiſdom thought meet to conclude in one and the ſame Succeſſion) is ſo ſtiled. Which place, from this rather, than from the ſecular eminency and power of that City, or from any other cauſe whatever, (if we may judg by the ſuffrages of Antiquity), had the Honour and Primacy above all other Churches. The ſecular eminency of that City was the reaſon indeed mention'd by the Biſhops in *Conc. Chalc.* (*Act. 16. propter imperium civitatis illius*]) becauſe they endeavour'd the advancement of the *Conſtantinopolitan* Biſhop (the Patriarch of *Alexandria*, *Dioſcorus*, being condemn'd by that Council as a Defender of *Eutyches*) to the ſame priviledges with the *Roman* (in the ſecond place) upon the like grounds: But a reaſon diſclaim'd by *Leo*, the then Biſhop of *Rome*, and by his Legates; and a reaſon alſo omitted and left out

Vid. Beſſ. de Roman. Pont. l. 3. *c.* 2. *l.* 2. *c.* 27.

out by themſelves, when they writ to *Leo* for his confirmation of their Canons; who there give another reaſon of his Primacy, *viz.* his Succeſſorſhip in St. *Peter's* chair, as appears below, § 25. *n.* 2. [See alſo *Siricius* (Biſhop of *Rome* A.D. 389.) his Epiſtle *ad Epiſcopum Tarraconenſem*, a city in *Spain*: —*Nobis major cunctis Chriſtianæ religionis zelus incumbit. Portamus onera omnium, qui gravantur: Quinimo hæc portat in nobis Beatus Apoſtolus Petrus, qui nos in omnibus (ut confidimus) adminiſtrationis ſuæ protegit, & tuetur, hæredes.* See *Leo, ſerm.* 1. *de natali Apoſtolorum*, thus ſpeaking to *Rome*: —*Per ſacram Beati Petri ſedem, caput Orbis effecta, latius præſides religione divina, quam dominatione terrena.* And his *Epiſt.* 58. to *Anatolius*, Biſhop of *Conſtantinople*, and *Ep.* 66. to the Biſhops of *Chalced. Conc.* in anſwer to the Letter ſent from them; where he hath theſe words: *Nihil Alexandrinæ ſedi ejus pereat dignitatis, quam per Sanctum Marcum Evangeliſtam B. Petri Diſcipulum meruit. Antiochena quoque Eccleſia, in qua primum prædicante Apoſtolo Petro Chriſtianum nomen exortum eſt, in paterna* [i.e. *Patrum Concilii Niceni*] *conſtitutionis ordine perſeveret* &c. and *Ep. ad Marcianum Auguſtum*, he ſaith: —*Habeat Conſtantinopolitana civitas gloriam ſuam.* —*Alia tamen ratio eſt rerum ſæcularium, alia divinarum* &c. And, *in conc. Chalced.* 16. *ſeſſ.* ſee the anſwer of the *Roman* Legats: —*Contradictio noſtra his geſtis inhæreat, ut noverimus quid Apoſtolico viro Univerſalis Eccleſiæ Papæ deferre valeamus.* And ſee the confeſſions of the Council of *Chalcedon* it ſelf, in *Act.* 2. —*Petrus per Leonem locutus eſt*; and in their Epiſtle to *Leo*, ſet down below, § 25. *n.* 2. which clearly ſhews them not to have held the Primacy of the Biſhop of *Rome* to have ſprung only from the Secular greatneſs of the city, but alſo from the Succeſſion of S. *Peter*. I have ſtaid the longer upon this,

this, becauſe of that paſſage in Dr. *Hammond Schiſm.* 5. *c.* 4. See the words of *Anacletus*, *Ep.* 3. (if thoſe Epiſtles be his) in Dr. *Field* (5. *l.* 31. *c. p.* 515.) to the ſame purpoſe as *Leo's*. —See *Cyprian* (*Ep.* 55. *ad Cornelium*, Biſhop of *Rome*, *de Fortunato & Faliciſſimo Hæreticis.*) *Inſuper navigare audent & ad Petri cathedram, atque ad Eccleſiam principalem.* —And *Ep.* 52. *Antoniano. Cum Fabiani locus, id eſt, cum locus Petri—vacaret; factus eſt Cornelius Epiſcopus* i. e. of *Rome* after *Fabianus*. —*Irenæus*, who lived in the 2*d.* Age, (3. *l.* 3. *c.*) *Maximæ, & antiquiſſimæ, & omnibus cognitæ, a glorioſiſſimis duobus Apoſtolis Petro & Paulo fundatæ & conſtitutæ, Eccleſiæ, eam, quam habet ab Apoſtolis, traditionem, & annunciatam hominibus fidem, per ſucceſſiones Epiſcoporum uſque ad nos perventem, indicantes, confundimus omnes eos, qui per ſui placitum* &c, *præterquam oportet, colligunt.* —*Hoſius*, in the Council of *Sardica*, *can.* 3. concerning Appeals to the Biſhop of *Rome*, propoſing thus: —*Si vobis placet, & Petri Apoſtoli memoriam honoremus, ut ſcribatur Julio Romano Epiſcopo* &c. —*Hieron. Ep.* to *Damaſus*, concerning the word *Hypoſtaſis*, whether he might admit it; —*Ideo mihi cathedram Petri, & fidem Apoſtolico ore laudatam cenſui conſulendam.* —*Apud vos ſolos incorrupta Patrum ſervatur authoritas*, [aliàs, *hæreditas.*] —*Ego nullum primum niſi Chriſtum ſequens, Beatitudinis tuæ i. e. cathedræ Petri communione conſocior; ſuper illam Petram ædificatam Eccleſiam ſcio.* And in another *Ep. ad eundem.* —*Si quis cathedræ Petri jungitur meus eſt. Greg. l.* 4. *Ep.* 36. *Quod mox idem deceſſor meus ut agnovit, directis literis, ex authoritate S.* Petri *Apoſtoli, ejuſdem Synodi acta caſſavit.* And *l.* 6. *Ep.* 37. *Eulogio Epiſcopo Alex.* —*Quis neſciat ſanctam Eccleſiam in Apoſtolorum Principis ſoliditate firmatam* &c. —*Cum multi ſint Apoſtoli, pro ipſo tamen principatu ſola Apoſtolorum Principis ſedes in authoritate convaluit*,

luit, quæ in tribus locis unius eſt. Ipſe enim ſublimavit ſedem, in qua etiam quieſcere & præſentem vitam finire dignatus eſt. Ipſe decoravit ſedem, in qua Evangeliſtam diſcipulum miſit. Ipſe firmavit ſedem, in qua ſeptem annis, quamvis diſceſſurus, ſedit. Cum ergo unius atque una ſit ſedes, cui ex authoritate divina tres nunc Epiſcopi præſident, quisquid ego de vobis boni audio, hoc mihi imputo. Concil. Gen. 8. at *Conſtantinople, can.* 21. —*Quiſquis autem tale facinus contra ſedem Petri Principis Apoſtolorum auſus fuerit intentare* &c. By theſe paſſages you ſee the Primacy and Priviledges (whatever they were) of the *Roman* Biſhop, anciently imputed to his Succeſſion in the See of S. *Peter* and S. *Paul*, and not (or not chiefly, or only) to the Secular eminency of *Rome.*]

But a chief reaſon alſo of the ſo high advancement of theſe three cities above all the reſt, (notwithſtanding that there were ſome other Apoſtolical Seats, *Hieruſalem, Epheſus*, preferable before *Alexandria*, and many other cities more dignified, as was urged by the *Roman* Biſhops againſt that clauſe in *Conc. Chalced.* [*propter imperium civitatis Romæ*] than either *Alexandria*, or *Antioch*,) ſeems to be, becauſe theſe cities, in the begining and firſt ſpreading of Chriſtianity in thoſe ſeveral quarters of the world, the Eaſt, the Weſt, and the South, were repleniſhed with a much greater number of Chriſtians than others, and were the Mother-churches of all the reſt. Theſe three cities, as Dr. *Hammond* notes, (*Schiſm.* 3. *c. p.* 58.) "having the honour to diſperſe 'Chriſtianity in a moſt eminent manner to other cities 'and nations. For the Churches of *Aſia* were converted by Emiſſaries from *Antioch*, (*Act.* 13. 2,4.) and thoſe of *Egypt* &c, from *Alexandria*; and the Weſtern, from *Rome.* Concerning which, ſee the teſtimony of *Innocentius* the firſt, Pope, *A. D.* 408. in his Epiſtle to

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Ducentius Biſhop of *Eugubium*, quoted before 3. §. Tho I do not deny, that *Alexandria* in *Egypt*, having bin the Seat of the Succeſſors of *Ptolomy*, and *Antioch* in *Aſia* of the Succeſſors of *Seleucus*; and, under the *Romans*, being the place of Reſidence of thoſe their Governors, who were ſet over the adjacent Provinces; this might ſomewhat advance the propagation of Chriſtianity more from theſe cities of ſo great reſort, than from others.

§ 7. *The See of* Conſtantinople *advanced to a Patriarchate, in the next place to* Rome.

In the 2*d*. General Council, A. D. 381. *Conſtantinople*, being now made great, by the Seat of the Empire tranſlated thither, its Biſhop was advanced into a fourth Patriarch; and that in the ſecond place next to *Rome*; which thing was alſo confirmed in the 4. *Gen. Conc. Chalced.* granting him (*Act.* 16.) *æqua ſenioris regiæ Romæ privilegia*, i.e. (as they there, and in their Letter to *Leo* (*Act.* 3.) explain themſelves,) to exerciſe, in ſuch a ſence, as the 2*d*. General Council had decreed, before them, a Patriarchal authority; in ordaining the Metropolitans of certain Provinces, and the Biſhops alſo in ſome others; as alſo to have the laſt place of Appeal (*Can.* 9.) in reſpect of thoſe parts of the Church, with this *ſalvo* annexed in behalf of the *Roman* Biſhop; *omnem quidem primatum, & honorem præcipuum* (*ſecundum Canones*) *Antiquæ Romæ Archiepiſcopo conſervari*; and (as it is ſaid in the 2*d*. General Council 5th *Can.* to which former Canon they refer) —*Conſtantinopolitanæ Civitatis Epiſcopum habere oportere primatus honorem poſt Romanum Epiſcopum, propter quod ſit Nova Roma.* tho this priority of the Biſhop of *Conſtantinople* to *Alexandria* and *Antioch* was in this Council of *Chalcedon* much oppoſed in the behalf of thoſe two Sees (*Dioſcorus* then Biſhop of *Alexandria* being excluded from this Council

for Hereſy, and ſo at this time uncapable of pleading for himſelf) by *Leo* the then Biſhop of *Rome*. And it ſeems, that the former 5*th* Canon (but now recited) made by the Biſhops in that part of the 2*d*. General Council which was aſſembled at *Conſtantinople*, as alſo the three other Canons there preceding it (which were recited in *Concil. Chalced.* Act. 16.) were either unknown, or not at all regarded, by the other part of the 2*d*. General Council, the Weſtern Biſhops, who were aſſembled ſhortly after that time at *Rome*. For thus ſaith *Leo* of theſe Canons or Acts, in *Ep.* to *Anatolius* Biſhop of *Conſtantinople*, —*Nunquam a prædeceſſoribus tuis ad Apoſtolicæ Sedis tranſmiſſa notitiam*; and thus his Legats in *Conc. Chalced.* 16. Act. —*Quæ in Synodiis Canonibus non habentur*. Neither indeed was any ſuch Canon mentioned by the *Conſtantinopolitan* Biſhops of the 2*d* General Council, when they writ to *Damaſus* concerning its Acts. (See 1. *conc. Conſtantinop.*) Nor was this foreſaid 5*th* Canon, (when moſt opportunely it might) but only the *Nicene* 6th Canon pleaded by S. *Chryſoſtom* againſt *Theophilus* Biſhop of *Alexandria*, offering to judge and depoſe him. Wherefore *Baronius* conceives it to be made only by a part of that Council, after *Timotheus* the Biſhop of *Alexandria* was departed thence. But, however, this Patriarch was, not long after that contention of *Leo*'s, rather by their not contradiction, than approbation), indulged that honour alſo by the *Roman* Biſhops themſelves, (doubtleſs as conceiving it no abridgment of their own authority,) ſome Metropolitans being taken from the other Patriarchates, and ſubjected to it. The great extent of which Patriarchy (in latter times eſpecially) if you be curious to know, ſee Dr. *Field* 3. *l.* 1. *c.* where he aſſigns, for one reaſon of ſuch an enlargment of its juriſdiction; " the converſion of ſundry nations

The great extent of this Patriarchate in latter times.

"nations and people to the Christian faith by that "Bishops Suffragans, and Ministers.

§. 8. *The See of Jerusalem raised to a Patriarchate in the 5th place.*

Again, in the 5*th* Gen. Council, about *A.D.* 550. the Bishop of *Hierusalem*, out of honour to the Holy City, was made the 5*th* Patriarch; (after some honour and respects beyond other Bishops first given (or rather wished) to him by the *Nicene* Council; see 7. *Canon.*) some Bishops both from that of *Alexandria* and *Antioch* being translated to his Jurisdiction.

§. 9. *The authority of Patriarchs, and other Ecclesiastical Governors, for the ordinations, or confirmations, and for judging the causes (upon appeal) of their inferiors.*

Amongst these above-named Dignities Ecclesiastical, the Metropolitans were to ordain or confirm the Bishops of their Province, and the Patriarch was to ordain or confirm the Metropolitans subject unto him, either by imposition of hands, or by mission of the Pall. [See *Concil. Chalced.* 27. *c.* and 16. Action: where, advancing the *Constantinopolitan* Bishop to Patriarchal authority, in the second place to *Rome*, they conclude, *oportere & ipsum potestatem habere ordinare Metropolitanos*, &c. *& ut penes eum sit, hunc, qui electus est, confirmare, repudiareve.* See 8. *Gen. Conc. Constant.* 17. *c.* —See Dr. *Field* 5. *l.* 31. *c. p.* 518. —"Patriarchs were, by the 'order of the 8. General Council *Can.* 17. to confirm 'the Metropolitans, subject unto them, either by imposition of hands, or giving the Pall. —And 5. *l.* 37. *c. p.* '551. Without the Patriarch's assent none of the Metropolitans subject unto them might be ordained. And '—What they bring (*saith he*) proves nothing that we 'ever doubted of. For we know the Bishop of *Rome* 'had the right of confirming the Metropolitans within 'the precinct of his own Patriarchship, as likewise every 'other Patriarch had: and that therefore, he might 'send the Pall to sundry parts of *Greece*, *France*, and *Spain*,

'*Spain*, (as *Bellarmin* alledgeth,) being all within the 'compaſs of his Patriarchſhip. —See Biſhop *Bramhal*, (*vindic.9.c.p.*257. &c. "What power the Metropolitan 'had over the Biſhops of his own Province, the ſame 'had a Patriarch over the Metropolitans and Biſhops of 'ſundry Provinces within his own Patriarchate. And afterwards: "Wherein then conſiſted Patriarchal au-'thority? in ordaining their Metropolitans, (for with 'inferior Biſhops they might not meddle,) or confirm-'ing them, in impoſing of hands, or giving the Pall, in 'convocating Patriarchal Synods, and preſiding in 'them, *&c*, —when Metropolitical Synods did not 'ſuffice to determin ſome emergent differences or difficulties. Thus he. Neither might any Metropolitan upon any cauſe ſeparate himſelf from the communion of his Patriarch, before the examination and ſentence of a Council firſt paſſed in his behalf. See 8. General Council, 10. *c.* whoſe words are, —*Nullus Clericus ante diligentem examinationem & Synodicam ſententiam a communione proprii Patriarchæ ſe ſeparet, licet criminalem quamlibet cauſam ejus ſe noſſe prætendat; nec recuſet nomen ipſius referre inter divina myſteria. Idem ſtatuimus de Epiſcopis erga proprios Metropolitas; ſimiliter & de Metropolitis circa Patriarcham ſuum. —Qui vero contra fecerit, ab omni Sacerdotali operatione & honore decidat. Ante Synodicam ſententiam*, i. e. of a Council ſuperior to the Metropolitan: for the lower cannot judge the higher, (no, not tho aſſembled together in a council, See Dr. *Field l.5.c.39.* p. 567.) as an Epiſcopal Synod cannot judge the Metropolitan.] And the firmlier to bind and confine the inferior, to the judgment of the ſuperior, orders of the Clergy, the Church made frequent Canons againſt their ſtarting aſide by appeals to the judgment of Seculars, whether of others, or alſo of the Emperor himſelf.

See

See *Concil. Antiochen.* 11. *c.* 12. *c.* —*Concil. Sardica.* 8. *c.* *Concil. Chalced.* 9. *c.* *Si Clericus adversus Clericum habeat negotium, non relinquat suum Episcopum, & ad sæcularia judicia non concurrat* &c. —*Conc. Melevitanum* 19. *c.* *Placuit, ut quicunque ab Imperatore cognitionem judiciorum publicorum* [i.e. Ecclesiasticorum] *petierit, honore proprio privetur,* &c. And see *Conc. Generale* 8. *c.* 17. *&* 21. This for Patriarchs superiority over, and their confirmation of, Metropolitans.

Next, amongst the Patriarchs themselves; it seems § 10.
the lower received no ordination from the higher. But yet some confirmation, or approbation, they seem ordinarily to have had from their Superiors, or at least from the *Roman* Patriarch, by those words of *Leo*, (*Ep.* 54. *ad Martianum*, the then Emperor,) concerning *Anatolius* Bishop of *Constantinople*. *Satis est, quod prædicto vestræ pietatis auxilio, &* mei favoris assensu, *Episcopatum tantæ Urbis obtinuit.* And, —*custodire debuit, ut quod nostra beneficio noscitur consecutus, nullius pravitatis cupiditate turbaret. Nos enim vestræ fidei, & interventionis habentes intuitum, cum secundum suæ consecrationis authores ejus initia titubarent, benigniores circa ipsum, quam justiores, esse voluimus; quo perturbationes omnes, quæ operante Diabolo fuerunt excitatæ, adhibitis remediis leniremus.* Thus discourseth the Pope to the Emperor, conscious of all those proceedings, concerning his establishing of the *Constantinopolitan* Patriarch: and by the suit made to the Pope, concerning the settlement of *Flavianus* in the Patriarchy of *Antioch*; of which see *Theodoret, hist. Eccles.* 5. *l.* 23. *c.* Likewise concerning the confirming of superior Patriarchs by the inferior, that is true, which Dr. *Field* (5. *l.* 37. *c.* p. 551.) saith, in answer to such places urged by *Bellarmin*, That the manner was, that "the Patriarchs should (upon notice given of their due ordination

'Ordination, and Synodal letters containing a profession 'of their Faith) mutually give assent one to another. Therefore *Cyprian*, *Antoniano Ep.* 52. speaks thus concerning the legitimate election of *Cornelius* Bishop of *Rome*, whom *Novatianus* endeavoured to supplant. *Factus est Cornelius Episcopus, cum Fabiani locus vacaret, quo* [loco] *occupato de Dei voluntate, atque omnium nostrûm consensione firmato, quisquis jam Episcopus* [Romæ] *sui voluerit, foris fiat necesse est* &c. But that which Dr. *Field* adds there, *viz.* "That the confirming of the great "Bishops of the world pertained no otherwise to the Bi-"shop of *Rome*, than the right of confirming Him per-"tained unto Them, cannot justly be defended, even from his own concessions elsewhere, 5 *l.* 34. c. p. 528. &c. of which see more below § 24.) For no other Bishop could be a lawful Patriarch, without the approbation of the Bishop of *Rome*, the prime Patriarch: whose withdrawing his communion from any was withdrawing the communion of the whole Church, which hath always continued united to this Apostolick chair; and yet the Bishop of *Rome* was lawfully such without the approbation of every other Patriarch, so long as his election is not disallowed by the conjunct Hierarchy, or the whole representative of the Church gathered togegether in a Council, as it happened in the Council of *Constance*. He may have an authority over other Bishops or Patriarchs single, which none of them singly hath over him: and yet all of them conjoin'd may have the same authority over Him, as he hath over any of them single; one *singulis major*, may be *minor universis*. Of which see more below, § 22. *n.* 2. and in 2. *Part.* § 20.

Likewise

Likewiſe, Appeals were permitted from inferior Ecleſiaſtical, to ſuperior, Judges and Courts; but not of all cauſes and perſons whatever to the ſupreameſt Court; leſt ſo ſhould be no end of contentions. So the inferior Clergy in their differences might appeal from their Biſhop to their Metropolitan and his Council, Provincial, or National, who were finally to determine ſuch controverſies; and ſuch perſons to acquieſce in them. Again; Biſhops might appeal from their Metropolitan, or from any inferior Courts, to their Patriarch, and his Council; whoſe final deciſion, in ordinary conteſts, they were to reſt in. And who, from the remoteſt of his Provinces, upon appeal, might either bring the cauſe to be heard by himſelf, if the moment of the buſineſs ſo requir'd; or ſend *e latere ſuo presbyteros,* (to uſe the expreſſion of the *7th can.* of *Sardic. Conc.*) or depute ſome other Biſhops of that, or ſome other neighbouring, Province, to hear the matter, where it was acted: Or laſtly, command the Appealant to acquieſce in the former ſentence given. See for both theſe, the Appeals of inferior Clergy, and alſo of Biſhops, *Conc. Chalced. can.* 9. (compar'd with *Conc. Nic.* 6 *can.* and *Conc. Conſt.* 1. *can.* 5.) —*Si Clericus adverſus Clericum habet negotium, agitetur apud proprium Epiſcopum.—Si Clericus adverſus ſuum vel alium Epiſcopum habeat cauſam, apud audientiam Synodi Provinciæ conqueratur. Si vero contra ipſius Provinciæ Metropolitanum Epiſcopum Epiſcopus ſive Clericus habeat controverſiam, pergant ad ipſius Dioceſis* (a word in thoſe times of larger extent than that of Province; one Dioceſs containing in it many Provinces) *Primates, aut certe ad Conſtantinopolitanæ regiæ civitatis ſedem.—Ad Conſtant. ſedem*; becauſe by the Eaſtern Biſhops both in this, and in the ſecond General Council, the ſecond Dig- § 11. *n.* 2.

Dignity amongſt the Patriarchs, or Primates, after *Rome*, was conferr'd on him; and therefore by this Canon we may gather, That the ſame repair, as was in ſuch cauſes permitted to be made in the Eaſt to the *Conſtantinopolitan*, might as Canonically be made in the Weſt to the *Roman*, Patriarch. For whatever privilege the *Conſtantinopolitan* Biſhop had, the *Roman* had in the firſt place. See *Conc Sard. can.* 3, 4, 7, 17.—*Can.* 3. (propoſed by *Hoſius*, Preſident formerly in the *Nicene* Council,) *Si in aliqua Provincia aliquis Epiſcopus contra fratrem ſuum Epiſcopum litem habuerit, unus de duobus ex alia Provincia advocet Epiſcopum cognitorem. Quod ſi aliquis Epiſcopus judicatus fuerit in* [*aliqua*] *alia cauſa, & putat ſe bonam cauſam habere, ut iterum Concilium renovetur, ſi vobis placet S. Petri Apoſtoli memoriam honoremus, ut ſcribatur ab his qui cauſam examinarunt, Julio Romano Epiſcopo: & ſi judicaverit renovandum eſſe, judicium renovetur; & det Judices. Si autem probaverit talem cauſam eſſe, ut non refricentur ea, quæ acta ſunt, quæ decreverit confirmata erunt; ſi hoc omnibus placet: Synodus reſpondit, Placet.*—*Can.* 4. *Cum aliquis Epiſcopus depoſitus fuerit eorum Epiſcoporum judicio, qui in vicinis locis commorantur, & proclamaverit; agendum ſibi negotium in urbe Roma, alter Epiſcopus in ejus Cathedra, poſt appellationem* [*i. e.* to *Rome*] *ejus qui videtur eſſe depoſitus, omnino non ordinetur, niſi cauſa fuerit in judicio Epiſcopi Romani determinata.*—*Can.* 7. *Si Epiſcopus accuſatus fuerit, & congregati Epiſcopi regionis ipſius judicaverint; & de gradu ſuo eum dejecerint, ſi appellaverit; qui dejectus eſt, & confugerit ad Epiſcopum Romanæ Eccleſiæ, & voluerit ſe audiri,* [which was the courſe which *Athanaſius* Biſhop of *Alexandria*, and *Paulus* Biſhop of *Conſtantinople*, had taken juſt before this Council, tho they no Biſhops of the Weſtern Patriarchy, who alſo were members of this Council,] *ſi juſtum*

juſtum putaverit, [*i.e.* Romanus Epiſcopus,] *ut renovetur judicium vel diſcuſſionis examen, ſcribere dignetur his Epiſcopis, qui in finitima & propinqua Provincia ſunt, ut ipſi diligenter requirant, & juxta fidem veritatis definiant. Quod ſi is, qui rogat cauſam ſuam iterum audiri, deprecatione ſua moverit Epiſcopum Romanum, ut e latere ſuo Presbyterum mittat, ſit in poteſtate Epiſcopi* [*i.e.* Romani] *quid velit, & quid æſtimet. Et ſi decreverit mittendos eſſe, qui præſentes cum Epiſcopis judicent, habentes ejus authoritatem a quo deſtinati ſunt, erit in ſuo arbitrio. Si vero crediderit Epiſcopos ſufficere,* [*i.e.* without his Legats,] *ut negotio terminum imponant, faciet, quod ſapientiſſimo conſilio judicaverit.* Can. 17. *Si Epiſcopus forte iracundus (quod eſſe non debet) cito & aſpere commoveatur adverſus Presbyterum ſive Diaconum ſuum, & exterminari eum de Eccleſia voluerit; providendum eſt, ne innocens damnetur, aut perdat communionem, & ideo habeat poteſtatem is, qui abjectus eſt, ut Epiſcopos finitimos interpellet, & cauſa ejus audiatur, ac diligentius tractetur, quia non oportet ei negare audientiam roganti,* &c.

Thus (probably with ſome eye to the Juſtification of *Julius* his proceeding, concerning *Athanaſius*, which were reproach'd by the oriental *Arian* party) this great Council aſſembled about twenty years after the *Nicene*, and eſtabliſhing the Decrees thereof; having the ſame Preſident, or chief Prolocutor, in it, with the Council of *Nice*, (*Hoſius* Biſhop of *Corduba*) and ſeveral other Biſhops of the *Nicene* Council, and men eminent in ſanctity, (to omit *Athanaſius*), *Maximus* Biſhop of *Jeruſalem*, *Paphnutius*, *Serapion*, *Spiridion*, and others: call'd Oecumenical by *Socrates*, *l.* 2. *c.* 17. both the Emperors concurring in the calling thereof: and it being ſubſcrib'd, tho not by the *Arrian* party (a few in compariſon, § 11. *n.* 2.

bearing the proportion of 76 to about 300; who seeing, they should be over-voted, departed from the Council), yet by the Orthodox Oriental, as well as Western, Bishops, namely, by *Athanasius*, by *Maximus* Bishop of *Jerusalem*, and by the Bishops of *Palestine*, (who most-part adher'd to *Athanasius*, and the *Nicene* Decrees), by *Diodorus* Bishop of *Asia minor*, &c. (see the Council).

Notwithstanding all which, some have endeavour'd to disauthorize the Canons thereof, as giving the Roman Bishop too great an authority. See *Spalatensis l.* 4. *c.* 8. *n.* 34. where against these Canons he urgeth:

α *α.* That, *in corpore antiquo Canonum universalis Ecclesiæ, quo Oriens semper usus est, nullus Sardicensis Canon locum habuit*: β That *Patres Africani Canoni Sardicens nihil deferre voluerunt, ubi enim cognoverunt Canonem non esse Nicænum, illum contempserunt.* That *Zosimus, si Sardicenses tunc Canones fuissent alicujus authoritatis, non eum dixisset esse Nicænum; sed id quod erat aperte dixisset,* γ *esse Canonem Sardicensem & servandum.* γ. Lastly, that *Photius*, about *Anno D.* 860 *expresse negavit Nicolao Papæ Canonem Sardicensem* 13*um ejus ordinationi objicienti se Sardicense Concilium, aut alia Pontificum decreta, habere vel recipere.* But in answer to these. To α I oppose,

To α.

1. What Cardinal *Perron* replied long since to *Causaubon*, 1. *l.* 53. *c.* —"That the leaving these Canons out 'of the *Codex Canonum Ecclesiæ universalis* is against the 'Faith of all the Greek Canonists, *Photius*, *Zonaras*, *Bal-'samon*, *Harmenopulus*, and against the Greek impressions 'even of *Basil*, *Wirtenberg*, and other Protestant towns; 'and, in sum, against the verity of all the Greek Codes, 'as well Printed, as Manuscripts, of all the Libraries, 'Occidental, and Oriental. Thus *Perron*.

2. What just cause can be alledged for the rejection of these Canons? *Spalatensis* alledgeth this, (*ibid.*) *quia Sardica*

Sardicæ factum eſt ſchiſma. But this Schiſm and departure being made by an inconſiderable party, (theſe ſome 76, and the other ſome 300, with the prime Patriarch joined with them, and ſome eminent Oriental Biſhops amongſt them,) leſt they ſhould be overpowred; how could they do more to diſauthorize theſe Canons, by being divided from the Council, than they could have done, by reſiding in it, and voting againſt them? But the diſſenting votes of ſo few in the council ſurely could not weaken its acts; which receive force, not from all, (for what acts almoſt have ſuch univerſal conſent?) but from the much major part thereof. But if theſe Canons, without the concurrence of thoſe perſons, were invalid; ſo was alſo the Anti-*Arrian* Creed of this Council, and their ſentence in the behalf of *Athanaſius*. And indeed hence, where there is any Schiſm by ſome part, no act of the Church can thence-forward be valid. For example: What act of the Church Catholick could be valid at that time againſt the *Arians*, if theſe of *Sardica* were not?

3. Let it be granted, that theſe Canons, rejected at firſt by theſe Schiſmaticks, were afterward for ſome time, in the Eaſt, omitted by the Catholicks in their collections of the Churches Canons; yet it ſeems ſufficient, that the Oriental Church of latter times, when the *Arians* were cruſhed, acknowledged them, as well as the Weſt; which we find done by the *Concil, Conſtantinopolitan. in Trullo. Can.* 2. *Obſignamus reliquos omnes Canones, qui a ſanctis noſtris Patribus* &c *expoſiti ſunt, —ſimiliter & ab eis qui Sardicæ convenerunt.*

4. For the equity of theſe Canons, if we conſider any obligation which they lay upon theſe Weſtern parts of the Church, in reſpect of the Biſhop of *Rome*, it is no greater than the acknowledged-General Council of

Chalcedon layeth on the Eaſt, in reſpect of the Biſhop of *Conſtantinople*, Can. 9.

5. However it be; the acts of ſuch a Council, wherein the Weſtern Biſhops are conceded to have unanimouſly agreed, are obligatory to the Weſt; and particularly to *Africk*, from whence were preſent therein 35 Biſhops conſenting thereto; and no diſlike thereof afterwards profeſt by the *African* Church of that preſent time. Nay *Gratus*, Primat of *Carthage*, who was preſent in this Council, quoteth the authority thereof in 1. *Conc. Carthag.* 5. *Can.* —*Memini in ſanctiſſimo Concilio Sardicenſi ſtatutum* &c: But had its Canons bin diſallowed by the *African* Church, his quoting them would have prejudiced his matter. Therefore To

To β. β I ſay; neither were theſe Canons oppoſed by the *African* Council (which conteſted with *Zoſimus* about them) above 60 years after, as known to them to be *Sardican* Canons, but only becauſe they were utterly ignorant thereof. for tis clear by S. *Auſtin's* words, *contra Creſcon.* 3. *l.* 34 *c.* and *Ep.* 163. *ad Elenſium*, that he, who may be preſumed as knowing as any other of that Synod, knew of no *Sardican* Decrees at all, ſave thoſe made by the ſeparated *Arians*, I know not where, and called by them *Sardican* Canons; of which he came to have notice only caſually from the *Donatiſts*; and, peruſing the Book they ſhewed him, found them to be made by the *Arians*; becauſe (ſaith he) *legi Athanaſium & Julium illo Conc. Sardicenſi fuiſſe improbatos.* (Ep. 163.) But it had bin ſome advantage to his matter then in hand, had he produced any true and Orthodox Council of *Sardica*, oppoſit to this, who defended *Athanaſius*; but of this he is ſilent. Neither will this altogether ſeem ſo ſtrange, when as in another matter we find him confeſſing himſelf ignorant alſo of a Canon of *Nice*, that there

"There may not be two Biſhops reſident of the ſame "place at once. See *Auſtin Epiſt.* 110. *Quod Concilio Nicano prohibitum fuiſſe neſciebam, nec ipſe* [*Valerius*, the former Biſhop of *Hippo*] *ſciebat.* Neither did *Zoſimus*, in all probability, know theſe Canons, which he urged to the *Africans* as the *Nicene*, to have bin the Canons of *Sardica*; for elſe we would have preſſed them for ſuch, being thus as obligatory to the *Africans*, as if they had bin the *Nicene*. To 7. *Photius*, a ſingle perſon his re- To 5.
jecting theſe Canons, when oppoſite to him, in a matter ſo nearly concerning himſelf, 200 years after the Eaſtern Council in *Trullo* had acknowledged them amongſt the reſt, is to be looked on as a piece of paſſion: and his own putting theſe Canons alſo amongſt the reſt in his *Nomo-canon*, (ſee *Balſam. in Nomo-can. Photii*) is a ſufficient ſelf-condemnation.

Thus much for vindicating the authority of this Council. Of which thus Mr. *Thorndike*. Epilog. 3. l. 20. c. p. 181. —"This difference came afterward to be tried 'by a General Council at *Sardica*, &c. For ſurely the 'Council of *Sardica* was intended for a General Council, 'as the Emperor *Juſtinian* reckons it, being ſummoned 'by both the Emperor *Conſtantius* and *Conſtance* out of 'the whole Empire. [*and*] when the breach fell out, 'and the Eaſtern Biſhops withdrew themſelves to *Philo-popolis*, the whole power, in point of right, ought, I 'conceive, to remain on that ſide which was not the 'cauſe of the breach. But the Succeſs ſufficiently ſhew-'eth, that it did not ſo prevail, [*was not obeyed, and 'ſubmitted to by all, as a General Council,*] for many a 'Council [*which followed after this about the Arian opi-'nions,*] might have bin ſpared. The ſovereign re-'gard of peace in the Church ſuffered not thoſe, that 'were in the right, to inſiſt upon the acts of it, as I ſup-poſe.

'poſe? In the mean time the Canons thereof, whereby 'Appeals to the Pope in the cauſes of Biſhops are ſetled, '(whether for the Weſt, which it repreſented, or for the 'whole [*Church*] which it had right to conclude, '[*thoſe Biſhops that voted in it*] not having cauſed the 'breach,) ſhall I conceive [*them*] to be forged, becauſe 'they are ſo aſperſed? they having bin acknowledged 'by *Juſtinian*, tranſlated by *Dionyſ. Exiguus*, added by 'the Eaſtern Church to their Canon-law? Or, ſhall I 'not ask [*rather*], what pretence there could be [*in 'theſe Canons*] to ſettle Appeals from other parts to '*Rome*, rather than from *Rome* to other parts, had not a 'preeminence of power, and not only a precedence of 'rank, bin acknowledged originally in the Church of *Rome*? Thus Mr. *Thorndike* candidly of this Famous Council.

A Digreſſion concerning the controverſy between the Biſhops of Africk and Rome about Appeals.

§ 12. The 7*th* and 17*th* Canons of this Council above recited, the Biſhop of *Rome* urged, by miſtake, to the 6*th* *Carthaginian* Council, conteſting with him about Appeals, for Canons of *Nice*. By *miſtake*, I ſay: For theſe two Canons are found *verbatim* the ſame, with thoſe, which the Pope ſent to the *African* Biſhops; as appears by their Epiſtle to *Boniface*, wherein the Canons are ſet down: And the 17*th* Canon, it ſeems, was underſtood (I ſay not whether *rightly*) by the Biſhop of *Rome* in ſuch a ſence; as that it eſtabliſhed his, as well as the *finitimi Epiſcopi's*, receiving the appeals of Presbyters. which appears, by his preſſing that canon to them; by his admitting the appeals of *Apiarius* only a Presbyter, the occaſion of this controverſy; and by the *African* Biſhops oppoſing him in their Epiſtle to *Celeſtine*, as well concerning Presbyter's as Biſhops appeals to *Rome*. Theſe canons of *Sardica* (as I have ſhewed out of S. *Auſtin*)

ſin) tis probable that the *African* Biſhops had not ſeen, tho they had the conſent alſo of their predeceſſors; there being no leſs than 35 Biſhops from *Africk* in that council, (*Athan. Apol.* 2.) and therefore, upon their not finding them amongſt the *Nicene*, as was pretended, nor knowing them to be of the orthodox council of *Sardica*, they requeſt; That neither the appeals of Presbyters, nor yet of Biſhops, might thenceforth be admitted, from thence, by the *Roman* Biſhop, but that their cauſes might finally be decided by their Metropolitan, or a Provincial Council, defending themſelves with the *5th* and *6th* canons of the *Nicene* Council: Their words are theſe. —*Impendio deprecamur* &c, *ne a nobis excommunicatos in communionem ultra velitis accipere; quia hoc etiam Nicæno Concilio definitum facile advertet Venerabilitas tua. Nam etſi de inferioribus clericis vel laicis videtur ibi prævaleri, quanto magis de Epiſcopis voluit obſervari, ne in ſua provincia communione ſuſpenſi a tua ſanctitate vel feſtinato, vel præpropere, vel indebite videantur communioni reſtitui?* *Decreta Nicæna* [can. 4.6.] *ſive inferioris gradus clericos, ſive ipſos Epiſcopos, ſuis Metropolitanis apertiſſime commiſerunt.* —*Maxime quia unicuique conceſſum eſt, ſi judicio offenſus ſit cognitorum* (i.e. of the judges of his cauſe) *ad concilia ſuæ Provinciæ, vel etiam univerſale, provocare.* Their reaſons are, —*Unicuique Provinciæ gratiam Spiritus ſancti non defuturam* &c. —*niſi forte quiſquam eſt qui credat, uni cuilibet poſſe Deum noſtrum examinis inſpirare juſtitiam, & innumerabilibus congregatis in Concilium ſacerdotibus denegare.* Therefore they deſire him, that neither their cauſes might be judged, by himſelf at *Rome*; for *Quomodo ipſum tranſmarinum judicium ratum erit, ad quod teſtium neceſſariæ perſonæ vel propter ſexus, vel propter ſenectutis, infirmitatem* &c, *adduci non poterunt?* nor by his Legats *a latere* in *Africk*; for *hoc*

nulla

nulla invenimus Patrum ſynodo conſtitutum. —and *nulla Patrum definitione hoc Eccleſiæ derogatum eſt Africanæ.* much leſs; that he would ſend *executores Clericos quibuſque petentibus,—ne fumoſum typhum ſæculi in Eccleſiam Chriſti-videamur introducere.* *Executores* &c, who by the Secular power, the Emperor's officers there, forced, if need were, the obſervation of the Biſhop of *Rome's* decrees. See (*Auſt. Ep.* 261.) the complaint S. *Auſtin* makes to the Pope of *Antonius* his threats. From which proceedings, they complain in their letter to *Bonifacius*, that they had ſuffered much formerly, and more than the Canons he urged, ſhould they be found in the *Nicen* Council, did impoſe upon them. And the ſame diſlike of Appeal to *Rome* may be found, before theſe times, in S. *Cyprian*, (Ep. 55. to *Cornelius* Biſhop of *Rome*) at leaſt in reference to thoſe particular perſons, *Fortunatus* and *Feliciſſimus*, notoriouſly guilty, and moſt juſtly condemned by a Council in *Africk*; where he pleads thus: *Nam cum ſtatutum ſit omnibus nobis, & æquum ſit pariter, ut uniuſcujuſque cauſa illic audiatur, ubi eſt crimen admiſſum, & ſingulis paſtoribus portio gregis ſit adſcripta, quam regat, rationem ſui actus Domino redditurus: oportet utique eos, quibus præſumus, non circumcurſare, ſed agere illic cauſam ſuam, ubi & accuſatores habere & teſtes ſui criminis poſſint; niſi ſi paucis deſperatis & perditis, minor videtur eſſe authoritas Epiſcoporum in Africa conſtitutorum.*

inſr. § 25. *n.* 1.

§ 13. Thus have I given you a brief account of this difference between *Rome* and *Africk*. Mean-while tis plain; that then Appeals were ordinarily made from *Africk* to the Biſhop of *Rome*, and his decrees ſubmitted to, and executed there, and this not only before, but preſently after, this conteſt. See below 23 §. and *Leo's* 85 *Ep. ad Epiſcopos Africanos.* where he writes thus concerning *Lu-*

Lupicinus, an ejected *African* Biſhop, appealing to him. *Cauſam quoque Lupicini Epiſcopi illic jubemus audiri. Cui multum & ſæpius poſtulanti communionem hac ratione reddidimus: quoniam cum ad noſtrum judicium provocaſſet imerito eum, pendente negotio, a communione videbamus fuiſſe ſuſpenſum.* In which Epiſtle alſo he ſaith; *Quod nunc utcunque patimur eſſe veniale, inultum poſtmodum eſſe non poterit, ſi quiſquam id, quod omnino interdiximus, uſurpare præſumpſerit.* Manifeſt alſo, that they did at that time what he appointed concerning *Apiarius*: and promiſed obſervance of the two Canons, till the return of the copy of the *Nicene* canons out of the Eaſt; and, after this return, ſome expreſſions in their letter they let fall, as if they would not offer to throw off altogether his intereſt in their affairs. *Impendio deprecamur, ut deinceps ad veſtras aures hinc venientes, non facilius admittatis.* [Upon which words *Spalatenſis* comments thus. (4. *l.* 8. *c.* 32. *n.*) *Rogant, ut Epiſcopi non tam facile audiantur*, [i.e. a Romano Pontifice,] *niſi videlicet notoria & manifeſta adſit ſuſpicio in propriæ Provinciæ Epiſcopis omnibus, aut maxima eorum parte.* For he grants there, *ubi gravis & notoria eſt ſuſpicio erga proprios & primarios Judices, Epiſcopos reos potuiſſe ad aliena* [or *extera*] *judicia, præſertim vero ad ſedes Apoſtolicas recurrere.* and quotes for it S. *Auſtin* Ep. 162. in *Cæcilian's* caſe.] —And *voluit obſervari* [*i.e.* the Council of *Nice*,] *ne in ſua Provincia communione ſuſpenſi, a tua ſanctitate vel feſtinato, vel praproperè, vel indebite, videantur communioni reſtitui.* And the 22. canon of the *Milevitan* Council, held by them about the time of this conteſt, prohibits tranſmarine Appeals only to the inferior Clergy: *Placuit, ut Presbyteri, Diaconi, vel cæteri inferiores Clerici, in cauſis, quas habuerint* &c *non provocent, niſi ad Africana Concilia, vel ad Primates Provinciarum ſuarum* &c.

§ 14. *Whether tranſmarine Appeals in ſome caſes very neceſſary,*

Again: Notwithſtanding what hath bin ſaid by the *Africans* in this matter, yet here may be made ſtill a *Quære*; Whether, in a controverſie between Biſhops and their Metropolitan; and much more in controverſies between Metropolitans, or Primates; or alſo Patriarchs themſelves, ſuch tranſmarine Appeals were not neceſſary, and were, at all, or at leaſt juſtly, by the *African* Biſhops, in any ſuch caſes, oppoſed. For the mere proving of an oppoſition engageth us no more to the opinion of one ſide than of the other; neither may we argue the Biſhop of *Rome* unjuſtly claimed it, becauſe they oppoſed it; no more than that they unjuſtly oppoſed it, becauſe he claimed it. As for the 5th *Nicene* Canon urged by them, themſelves grant it, and it is manifeſt to any Reader, to ſpeak in expreſs terms only of inferior Clergy; and in their application of it to Biſhops, they qualify it with a *–ne feſtinato, ne præpropere.* For the common practice of former times, in *Athanaſius*, &c, ſhews, that the *Roman* Biſhop was not prohibited by theſe Canons to admit into his communion any Biſhop, excommunicated by his Province, if he found him wrongfully Suſpended; and therefore tis true alſo, that the *6th* canon, *Epiſcopos ſuis Metropolitanis apertiſſime commiſit*, but not in every caſe unappealably to Superiors, as appears by the *African* Biſhop's qualification in that Epiſtle. *Ne feſtinato, ne præpropere*, quoted before. As for the ſeveral Reaſons they give, to theſe it may be replied on the other ſide: That the Patriarch, tho he were neither more prudent, nor better informed from others in difficult matters, nor more aſſiſted from Heaven, (yet tis probable, that ſuch might, as having a more choice election, both be more knowing, and, according to the eminency of his place, aſſiſted, both with

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a wiſer Council, and a greater portion of God's Spirit,) yet muſt he needs be a leſs partial Judge in ſuch matters; becauſe not ſo nearly intereſſed, in the cauſe, nor in the perſons, as the Metropolitan often muſt be; or alſo other Biſhops, who live upon the place, and are ſubject to his power. That the Provincial Councils, which they mention, tho their judgment were never ſo entire, were not always to be had, and were much ſeldomer aſſembled than the Canons appoint; much rarer yet Councils univerſal: neither of them (by reaſon of the great trouble) fit, upon every ſuch difference, to be called. And hence fails that Apology, which Dr. *Field* (5. *l.* 39 *c.* p. 563.) makes for the *Africans* in theſe words. "The *Africans*, tho within the Patriarchſhip 'of *Rome*, diſliked the Appeals of Biſhops to *Rome*; be-'cauſe they might have right againſt their Metropoli-'tans in a general Synod of *Africk*, wherein the Primat 'ſate as Preſident: for otherwiſe *Biſhops* wronged by 'their Metropolitans might by the canons appeal to 'their own Patriarch. Thus far he. Therefore the *Africans*, denying this, went againſt the canons. That the canons of the Council of *Sardica*, which the *African* Biſhops (then) knew not of, were ſufficient to warrant his receiving of ſuch appeals; and if any former *African* decrees be pleaded againſt him, much more may theſe of *Sardica*, for him. That many caſes are not matter of fact, where witneſſes are neceſſary, but queſtions *de jure*, where the fact is confeſſed; and that in ſuch, no more plea can be made to have them tried at home, than the *Moſaical* Legaliſts of *Antioch* could juſtly have demanded not to have this matter arbitrated at *Jeruſalem*; or *Arius* of *Alexandria*, at *Nice*. That for the convenience of hearing witneſſes, where neceſſary in ſuch appeals, it was ordered indeed anciently, that, whenſo-

ever it could ſafely be done, ſuch cauſes ſhould be arbitrated in the ſame, or ſome adjoining Provinces; by ſome Judges, either ſent thither, or there delegated by the Patriarch, (of which the 7th canon of *Sardica* ſeems to take ſpecial care,) in the non-obſervance of which canons ſome *Roman* Biſhops perhaps may have bin culpable, and cauſed great affliction to their ſubjects: but yet, that other exigencies might occur, (every cauſe not being fit to be decided by delegates,) which required the trial to be at the Patriarchal reſidency, to which the trouble of witneſſes muſt give place; which trials at *Rome* are alſo allowed by the Council, (ſee *Conc. Sard. can.*4.) And this grave Aſſembly, we have no reaſon to think, but that they weighed the troubles of ſuch appeals, as well as the *Africans* afterward, or we now; but thought fit to admit ſmaller inconveniences, to avoid greater miſchiefs; namely, in the intervals of Councils, ſchiſms and diviſions between Provincial, and between National, Churches, by the Church her having thus ſo many Supremes, terminating all Spiritual cauſes within themſelves, as there were Provinces or countries, Chriſtian. See Dr. *Field*, allowing ſuch appeals, (below, §. 20.) and eſpecially S. *Auſtin*, *Ep.* 162. where he juſtifies the appeal of *Cæcilianus* Biſhop of *Carthage*, wronged by a Council of 70. Biſhops held in *Africk*, whereof was Preſident the Primat of *Numidia*, whoſe power and authority Dr. *Hammond* equals to that of Patriarchs, (*Schiſm* 3.c.p.58.) to a tranſmarine judgment, (tho *Donatus* his party much crying out againſt ſuch appeals, and tho it was in a matter meerly of fact; namely, whether *Cæcilian* was ordained by ſome, who were *traditores ſacrorum Codicum igni*, in time of perſecution,) becauſe ſuch judgment was diſ-engaged in the quarrel. His words are, —*Sibi* [i.e. *Cæciliano*] *videbat apud Eccleſiam*

cleſiam tranſmarinam, a privatis inimicitiis & ab utraque parte diſſenſionis alienam, incorruptum & integrum examen ſuæ cauſæ remanere. —And again, *Qui* [i.e. *Cæcilianus*] *poſſet non curare conſpirantem multitudinem inimicorum,* [*i.e.* in *Africk*,] *cum ſe videret & Romanæ Eccleſiæ, in qua ſemper Apoſtolicæ Cathedræ viguit Principatus, & cæteris terris —per communicatorias literas eſſe conjunctum, ubi paratus eſſet cauſam ſuam dicere:* (for all Churches had power to clear and examin his cauſe, in reſpect of entertaining communion with him, and ſending their communicatory letters *&c.* tho all Churches had not ſuch power, in reſpect of righting him againſt his adverſaries, but only his ſuperior Patriarch): Again, —*An forte non debuit Romana Eccleſiæ Melchiades Epiſcopus cum Collegis tranſmarinis Epiſcopis illud ſibi uſurpare judicium, quod ab Afris ſeptuaginta, ubi Primas* [Numidiæ] *Tigiſitanus præſedit, fuerat terminatum? Quid, quod nec uſurpavit? Rogatus quippe Imperator Judices miſit Epiſcopos, qui cum eo ſederent, & de tota illa cauſa, quod juſtum videretur, ſtatuerent.* This tranſmarine judgment here you ſee S. *Auſtin* juſtifies, notwithſtanding the *Donatiſts* might have uſed the foreſaid (*§.* 12.) plea of the *African* Fathers of the 6th Council, and of *Cyprian*; eſpecially in the trial of a matter of fact.

[But concerning this foreign judgment of *Cæcilians* cauſe, before I leave it, I muſt not conceal to you, what *Calvin* (*Inſtit. l.* 4. *c.* 7. *ſ.* 10.) relates thereof, in prejudice of the Pope's authority: objecting there; That *Cæcilian* had his cauſe tried indeed by the Biſhop of *Rome*; but, by him only as the Emperor's Delegate; and not by him ſingly, but with other ſpecial Delegates join'd with him; that, from this judgment, an appeal being made by *Cæcilian's* adverſaries, then the peror *§.* 15.

Emperor *Conſtantine*, ſo great an honorer of the Church's privileges, appointed the Biſhop of *Arles* in *France*; *Qui ſedet Judex* (ſaith he) *ut poſt Roman. Pontificem, quod viſum fuerit, pronunciet.* And again, an appeal being made from him alſo, ('tis further urg'd), That the Emperor judg'd the cauſe, after all, himſelf. For anſwer to which, I refer you to the relation of this ſtory by St. *Auguſtin*, againſt the *Donatiſts*, *Epiſt.* 162. where you will find thoſe Aſſeſſors to be join'd by the Emperor to the Biſhop of *Rome*, *ad preces Donatiſtarum*; who well knew *Melchiades* much favouring *Cæcilian's* cauſe. (You may ſee *Conſtantine's* Letter to *Melchiades*, and *Marcus*, one of his Aſſeſſors, in *Euſ. l.* 1. *c.* 5.) The *Donatiſts*, here caſt, pretending ſome new evidence, requeſted of the Emperor yet another hearing of their cauſe; upon which,—*dedit Ille* (ſaith St. *Auſtin*) *aliud Arelatenſe judicium, aliorum ſcil. Epiſcoporum* [this was the Council of *Arles*, aſſembled in *Conſtantine's* time, of which ſee more below § 23. *n.* 7. conſiſting of two hundred Biſhops, as *Baronius* conjectures out of St. *Auſtin*, which Council included, with more added to them, *Cæcilian's* former Judges] *non quia jam neceſſe erat; ſed eorum perverſitatibus cedens, & omni modo cupiens tantam impudentiam cohibere.*—Afterward they importunately appealing alſo from this Council to the Emperor's own judgment; He, very earneſt by any means to quell this growing diviſion in the *African* Churches, *ceſſit eis* (ſaith St. *Auſtin*) *ut de illa cauſa poſt Epiſcopos judicaret, a ſanctis Antiſtitibus poſtea veniam petiturus: dum tamen illi quod ulterius dicerent non haberent, ſi ejus ſententiæ non obtemperarent.* See likewiſe Dr. *Field's* conceſſions (*l.* 5. *c.* 53. *p.* 682.) concerning this buſineſs, both that the cauſe was judg'd by a Synod at *Arles*; and that the Emperor's hearing the cauſe after them was

was irregular. After this you may review what truth there is in the objection of *Calvin.*]

Excuſe this digreſſion which I have made from § 12. concerning the difference between the *African* and *Roman* Biſhop, ariſing from theſe Canons of *Sardica* there urged. Againſt which Canons whereas it is pretended; 1. That they authorize the *Roman* Biſhop only to judg ſuch cauſes by his Deputies upon the place, often ſaid by Dr. *Field*; ſee in him *p.* 530. 2. That the 9th Canon of *Chalcedon*, a Council following this, in ordering the Appeal *ad Conſtantinopolitanæ regiæ civitatis ſedem ut eorum ibi negotium terminetur*, contains ſomething contrary to them. The firſt appears not true; by *can.* 4. *Sard.*—[*& proclamaverit* (*i. e. Epiſcopus depoſitus*) *agendum ſibi negotium in urbe Roma—& niſi cauſa fuerit in judicio Epiſcopi Romani determinata*]: By the privilege granted to the *Conſtantinopolitan*, and inferior Patriarch to the *Roman*, *Con. Chal. c.* 9. [*ut eorum* ibi *negotium terminetur*]: By the ordinary practice of the *Roman* Biſhops in thoſe early times; thence therefore is the *African* Expoſtulation with him, [*Quomodo judicium transmarinum ratum erit, ad quod teſtium neceſſariæ perſonæ &c. adduci non poſſunt?*] And the like you may ſee urg'd by *Cyprian*, ſee *Field* p. 563. Laſtly, by Dr. *Field's* confeſſion (l. 5. c. 34. p. 531.) 'That the Pope with his 'Weſtern Biſhops might examine and judge, at *Rome*, 'the differences between two Patriarchs; or between a 'Patriarch and his Biſhops; as 'tis clear he did, a little before the *Sardican* Council, judg at *Rome* the cauſe of *Athanaſius*); how much more then, the differences, when of moment, of the Subjects of his own Patriarchy? To the ſecond, 'tis confeſs'd, That that Canon, in reſpect of ſome parts, namely of the Eaſt; and § 16.

of

of ſome differences, namely of Biſhops there, with their Metropolitans; doth reſtrain thoſe of *Sardica*: But firſt, The *African* Controverſie was before the Council of *Chalcedon*. Again, for the Weſt at leaſt, it muſt be granted, that thoſe Canons ſtand good ſtill, and are not weaken'd, but ſtrengthen'd rather, and imitated by *Chalcedon*; which Council thought fit, in this Canon, to give that authority which *Sardica* conferr'd on the *Roman*, to a Seat inferior to the *Roman*; much more therefore may the *Roman* See, if the *Conſtantinopolitan*, have ſuch privileges. But laſtly, we know alſo, that in this point of the Biſhop of *Conſtantinople's* Dignity and Power, the Eaſtern Biſhops of that Council were oppos'd by the Biſhop of *Rome* and his Legates.

§. 17. After theſe *Sardican* Decrees, concerning theſe Appeals from inferior to ſuperior Eccleſiaſtical Judges, ſee the eighth General Council, *can.* 26. (againſt which Council, tho the *Grecians*, *in Conc. Florent. ſeſſ.* 6. oppoſe the Decrees of another following it, yet it is not contradicted in this I quote out of it, by that, or any other later Council). —*Ut qui ſe læſum arbitrabitur a proprio Epiſcopo poſſit Metropolitanum appellare, qui datis dimiſſoriis ad ſe cauſam advocet. Liceat tamen Epiſcopis provocare ad Patriarcham, ſi crediderint ſe injuſtitiam pati a Metropolitano, a quo litibus finis imponatur.* After which Canon, I will ſet you down that paſſage of the *Engliſh* Biſhops, upon their relinquiſhing the See of *Rome*, (in their Book of the Inſtitution of a Chriſtian man, in Sacr. of Orders, quoted by Dr. *Hammond*, *Schiſm.* c. 5. and much relied on by King *James* in *Apol. pro juramento fidel. p.* 124.) that you may ſee whether things were well-conſider'd by them.—"It was (ſay they) 'many hundred years before the Biſhop of *Rome* could

'acquire

'acquire any power of a Primate over any other Biſhops, 'which were not within his Province in *Italy*. And 'the Biſhops of *Rome* do now tranſgreſs their own pro-'feſſion made in their Creation. For all the Biſhops 'of *Rome*, always when they be conſecrated and made 'Biſhops of that See, do make a ſolemn profeſſion and 'vow, that they ſhall inviolably obſerve all the Ordi-'nances made in the Eight firſt General Councils; a-'mong which it is eſpecially provided, that all cauſes 'ſhall be determined within the Province where they 'begun, and that by the Biſhops of the ſame Province: 'which abſolutely excludes all Papal (*i.e.* foreign) 'power out of theſe Realms. Now the Canons the Biſhops refer to, are—*Conc. Nic. c.* 6. 1 *Conc. Conſt. c.* 2, 3. and *Conc. Milevit. c.* 22. which Canons, how little they make for their purpoſe, ſee below § 19, *&c.* and before, § 14. But the Pope making ſolemn vow to obſerve *Conc.* 8. *can.* 26. as well as theſe, did he vow contradictions? or, if theſe contradicting, doth not, in Eccleſiaſtical conſtitutions, the later ſtand in force? Again; for not appealing of all perſons in every cauſe to the ſupreme Eccleſiaſtical Court, ſee *Conc. Milev.* whereof St. *Auſtin* was a member, *Can.* 22. *Placuit, ut Presbyteri, Diaconi, vel cæteri inferiores Clerici, in cauſis quas habuerint, ſi de judiciis Epiſcoporum queſti fuerint, vicini Epiſcopi eos audiant, & inter eos quicquid eſt, finiant adhibiti ab eis ex conſenſu Epiſcoporum ſuorum. Quod ſi & ab eis provocandum putaverint, non provocent niſi ad Africana Concilia, vel ad Primates Provinciarum ſuarum. Ad tranſmarina autem qui putaverint appellandum, a nullo* intra Africam *in communionem ſuſcipiantur.* But note here, that this Canon was made only concerning inferior Clergy, not Biſhops (tho ſome miſtakingly urge it againſt any appeals whatever;) and as *Bellar-*

min ſaith) was ratified by *Innocentius* Biſhop of *Rome*, quoting his Epiſtle (among St. *Auſtin's* the 93.) tho indeed that Epiſtle confirms nothing elſe ſave their Decrees againſt *Pelagius*. But however, this is a thing, it ſeems by *Bellarmin*, that the Pope will not oppoſe. See about this non-appealing, Dr. *Field l.* 5. *c.* 39. *p.* 562. where he brings in alſo further, to confirm this, the Imperial Conſtitution *Juſtin. Novellæ Conſt.* 123. *c.* 22. Laſtly, ſee *Bell.* (*de Rom. Pont. l.* 2. *c.* 24.) confeſſing a reſtraint of ſome appeals, not allow'd to be made to the Patriarch; where he ſaith, *Quæſtio de Apellationibus ad Romanum Pontificem non eſt de appellationibus Presbyterorum & minorum Clericorum, ſed de appellationibus Epiſcoporum, &c.* Therefore in that 'foremention'd contention between *Zoſimus* Biſhop of *Rome* and the *African* Biſhops, met in the 6th Council of *Carthage*, about the appeal made to *Rome* of one *Apiarius* an *African* Presbyter, who had a controverſie only with his Biſhop, the deciding of which by Canons is referr'd to the Metropolitan and his Council, or to the *Epiſcopi finitimi*, (*Conc. Sard. can.* 17.) it may be made a queſtion, whether the Pope was not miſtaken in it, (if he contended not only for appeal of Biſhops having controverſie with their Metropolitans, but alſo countenanc'd that of *Apiarius*); conſidering what was deliver'd in the Canons above-cited, and what is alſo conceded by the Cardinal.

§ 18. *Thoſe not ſubjected to any Patriarch for Ordination, yet ſubjected for deciſion of Controverſies,*

As for thoſe Churches, who were under no Patriarch, *i. e.* in reſpect of their Metropolitan's receiving his Ordination from any Patriarch; as *Cyprus* is conceiv'd by ſome to be, from *Conc Epheſ. can.* 8. and *Conc. Conſt. in Trullo, can.* 39. (If theſe Canons do not prohibit rather the Patriarch of *Antioch* from hindering the Metropolitans

tropolitans of *Cyprus* to ordain other Biſhops without his concurrence or conſent, as the [*Rem novam*] in the beginning of the 8th Canon of *Epheſus*, and other expreſſions, ſeem to import. ſee below §19.) Yet 1. They were not free and exempt from all foreign 1.
judgments, when any differences and contentions aroſe in any ſuch Churches; but to them, or at leaſt the principal of them, were (when queſtion'd) to give account of their Orthodox Faith and Canonical Obedience; if they meant, to retain any Communion with the reſt of the Church Catholick, and to receive communicatory Letters as teſtimonials thereof. See for this St. *Aug. Epiſt.* 162. where he hath diſcours'd it at large. 2. Neither were they free from the juriſdiction 2.
of ſome Patriarch, or other, ſo far as the Canons of any General Council ſubjected them thereto. For example; That 7th Canon of *Sardica* [*Si Epiſcopus &c.*] being deliver'd indefinitely, oblig'd the *Cyprian* Biſhops as much as any other. For the Law of a Legiſlator, who hath power to oblige all, obligeth all, if none be therein excepted. Now General Councils have juſt authority of decreeing a ſubordination, as they pleaſe, of Eccleſiaſtical Perſons and Courts, for the unity and peace of the Church; or elſe their common practice hath miſtaken the right. The ſame may be ſaid of the obligation of the 9th Canon of *Chalcedon*, *&c.* According to which Canons, ſince experience hath ſhew'd, and you may ſee it in Dr. *Field's* conceſſions, that many of thoſe, whom the Proteſtants make independent Primates (as thoſe of *Carthage*, *Millain*, *&c.*) have yeilded to the Patriarchal juriſdiction; the practice of theſe Primates (if allow'd by them) infers the duty of the reſt: if diſallow'd, they muſt charge ſuch Primates, not to have known or maintain'd their own privileges. But

3. 3*ly*, ſuch non-ſubordinate Churches can plead no more privilege, than abſolute Patriarchs have, being, if equal to, yet not advanc'd above, theſe. But amongſt Patriarchs themſelves, in matters of difference and appeal, the inferior were liable to the judgment of the ſuperior Patriarchs (as ſhall be ſhew'd preſently) therefore muſt the *Cyprians*, or other, be the like; there being the ſame reaſon of all, the preſerving of the unity and communion of the whole Church Catholick, in which one Church is not more concern'd than others. Therefore Dr. *Field* (*l.* 5. *c.* 30. *p.* 513. where, in anſwer to *Bellarmin*'s pretending a Monarchical Government of the Church as neceſſary, he goes to ſhew how her unity might well be, and was anciently, preſerv'd without it, by ſeveral ſubordinations which were in the Church) diſcourſeth thus: "If a Synod conſiſted 'of the Metropolitans and Biſhops of one Kingdom or 'State only, the chief Primate was Moderator: If, of 'many [Kingdoms], one of the Patriarchs and chief 'Biſhops of the whole world [was Moderator]: every 'Church being ſubordinate to ſome one of the Patri-'archal Churches, and incorporate into the Unity of it. '3*ly*, The actions of a whole Patriarchſhip were ſubject to 'a Synod Oecumenical. And *l.* 5. *c.* 39. *p.* 563. he quotes, the Emperor's Decree (*Novel.* 123. *c.* 22.) 'that Bi-'ſhops being at variance were finally to ſtand to, and 'not to contradict, their own Patriarch's judgment. And *Gregory*'s (*l.* 11. *ep.* 54.) addition to it; 'That if there 'be no Patriarch, then the matter muſt be ended by the 'Apoſtolick See, the Head of all Churches. —And accordingly we find in the Patriarchal Councils of the Weſt, all the Weſtern Churches whatever (I diſpute not here, whether ſubject, or no, to the Patriarch) aſſembling

bling in them, and ſubject to the prevailing Votes and Decrees.

§ 19. *Every Province not ſupreme, for finally determining the differences ariſing therein.*

[Againſt what is ſaid above, is much urged, by the Reformed, the ſecond and third Canon of the ſecond General Council of *Conſtantinople*. The words are theſe; *Epiſcopi, qui extra Diœceſim ſunt, ad Eccleſias, quæ extra terminos earum ſunt, non accedant; neque confundant & permiſceant Eccleſias. Alexandriæ quidem Epiſcopi ſolius Orientis* [*Ægypti* ſaith another Tranſlation] *curam gerant, ſervatis honoribus Primatus eccleſiæ Antiochenæ, qui in regulis Nicænæ Synodi continentur. Sed & Aſianæ Diœceſis Epiſcopi ea quæ ſunt in Aſia, & quæ ad Aſianam tantummodo Diœceſis habeant curam. Thraciæ vero &c.* And c. 3. *Non invitati Epiſcopi ultra Diœceſim accedere non debent ſuper ordinandis aliquibus, vel quibuſcunque diſponendis Eccleſiaſticis cauſis. Manifeſtum namque eſt, quod per ſingulas quaſque Provincias Provincialis Synodus adminiſtrare & gubernare omnia debeat; ſecundum ea quæ ſunt in Nicæa definita.* —5.c. *Veruntamen* [as it is in one Tranſlation] *Conſtantinopolitanus Epiſcopus habeat honoris primatum poſt Romanum Epiſcopum* &c. The title to which Canons, being all joined into one, in one Tranſlation is, *De ordine ſingularum Diœceſeon; & de privilegiis, quæ Ægyptiis, Antiochenis, Conſtantinopolitaniſque debentur.* Theſe Canons are urged to prove; That all Provinces are for power abſolute, and ſupreme: That every cauſe and controverſy between any perſons ſhould be determined finally within the Provinces, where the matters did lie; and that by the Biſhops of the ſame Provinces, from whom might be no further appeal: and, That no Biſhop ſhould exerciſe any power out of his own Dioceſs, or Province; and conſequently, neither the *Roman* Biſhop, out of his Province in *Italy*. And, becauſe here fol-

follows ſome preeminence granted to the *Conſtantinopolitan* Biſhop *poſt Romanum*, that this may not be thought to contradict what goes before, they ſay, that this preeminence of the *Conſtantinopolitan* Biſhop is *dignitatis* only, not *poteſtatis*. To all which I anſwer,

1. That theſe Canons are capable of another interpretation; namely, That neither Patriarch, nor Primat, or Metropolitan, ſhould meddle in the affairs of any other Patriarchy, or Province coordinate, and over which he had no Juriſdiction in ſuch affairs; *i. e.* over which, neither by ancient cuſtom, nor conſtitutions of Councils, he could claim any ſuch Superiority. (See the limitation, *Concil. Epheſ.* c. 8. —*Quæ non prius, atque ab initio* &c. and *Can. Apoſtol.* 36. *Quæ illi nullo jure ſubjectæ ſunt*; a clauſe ſtill retained in theſe canons, to preſerve the prerogatives Patriarchal.) Not thoſe of *Alexandria* with the affairs of *Antioch*, [*ſolius Ægypti curam gerant, ſervatis honoribus Eccleſiæ Antiochenæ,*] without encroaching upon them; or the Patriarch of *Alexandria* or *Antioch* medling with the Ordination of Biſhops in the Provinces ſubjected to them. Nor thoſe of *Aſia* with thoſe of *Thrace*; to whom *Thrace* owed no ſubjection. Again, That in every Province the Provincial Synod be the ſupreme and laſt Court, above any other authority in that Province; and excluſively to the judgments of the Biſhops of any neighbouring Provinces, which are only coordinate with it. See them below, § 28. called by *Gregory*, *Epiſcopi alieni Concilii*; and §. 26. this interpretation further confirmed.

2. That their interpretation of theſe canons cannot
1. be true: 1. Neither in this; that they would make every Province independent, and ſupreme; becauſe both the Biſhop of *Alexandria*, and of *Antioch*, which are here mentioned, had more than one Province ſubjected

jected unto them, (yet all called their Dioceſs or Province, taken in a larger ſence); and the Biſhop of *Conſtantinople*, who is not mentioned or limited in the 2*d.* Canon (*Conc. Conſtantinop.*) as others, had ſeveral of the Provinces here-named, as *Pontus*, *Aſia*, *Thrace*, ſubjected to him, and that by this very Council. For which ſee *Conc. Chalced. Act.* 16. *—Centum & quinquaginta Deo amantiſſimi Epiſcopi* [i.e. the Fathers of this *Conſtantipolitan* Council] *rationabiliter judicantes* &c *Urbem* [Conſtant.] *in Eccleſiaſticis* (*ſicut illa* [Roma]) *majeſtatem habere negotiis, —& his, qui de Ponto ſunt, & de Aſia & Thracia diœceſibus, Metropolitanos ordinari a prædicta Conſtant. Sedis ſanctiſſima Eccleſia*; where theſe Fathers expound what was meant here by *Epiſcopi Thraciæ gubernent quæ Thraciæ*, in the words following: namely, *ut unuſquiſque Metropolita præfatarum Diœceſium—ordinet ſuæ regionis Epiſcopos, ſicut divinis Canonibus* [i.e. the canons of *Nice*, and theſe of *Conſtantinople*] *eſt præceptum.* Thus are *Pontus* and *Aſia* &c ſubjected to the See of *Conſtantinople*, tho not for the ordaining of their Biſhops, yet for the ordinations of their Metropolitans, and alſo for Appeals: as may be ſeen in their 9*th.* and 16*th.* canons, which ſeems to be the meaning of that *Majeſtas in Eccleſiaſticis negotiis*, which they gave him *poſt Romam.* And all this they do, after theſe very canons were firſt recited in the Council; *—definitionem ſanctiſſimorum Patrum ſequentes ubique, & regulam, & ea quæ nunc relecta ſunt* [i. e. theſe canons] *centum & quinquaginta Epiſcoporum* &c. Which to confirm to you yet farther, ſee the Subſcriptions of thoſe Biſhops of *Aſia*, and *Pontus*, &c, of one, *—Ego gratum habeo ſub ſede Conſtantinopolit. eſſe, quoniam & ipſe ordinavit*; of another, *ſecundum ſententiam Patrum* 150 *voluntate propria ſubſcripſi.* Therefore the Primacy *poſt Romanam*, granted

ted by *Conſt. Concil. Conſtantinopol.* to the Biſhop thereof, was not *dignitatis* only, but *poteſtatis*, (and therefore much more the Primacy of *Rome*,) as the *Chalcedon* Fathers expound theſe canons. But, if we ſay, that they miſunderſtood, yet then they have at leaſt ſufficiently reverſed them, and nulled their force, becauſe they, coming after the other, have made a contrary decree, which at leaſt in matters of Eccleſiaſtical conſtitution, annulleth the former. 2. Neither is their interpretation true in this, *viz.* That Provincial Councils may finally determin all cauſes thereof, excluſively to all others whatſoever: for ſo they would not be ſubject to Patriarchal, nor Univerſal Councils; nor would any appeals from them at all be lawful; contrary, to what is ſaid but now, (*Con. Chalc. 9. c.* ſee likewiſe the can. of *Sardica.*) and to the known common practice of Antiquity; (of which hereafter follow many inſtances.) and alſo in the *8th.* canon of this very Council which they urge, (as it is extant in *Balſamon*,) examinations of matters are remitted from Provincial Councils to a greater Synod of the Dioceſs. *Quod ſi evenerit, ut Provinciales Epiſcopi, crimina, quæ Epiſcopo intentata ſunt, corrigere non poſſunt*, [placuit &c] *tunc ipſos* [accuſatores] *accedere ad majorem Synodum Diœceſis illius* &c.

2.

3. It may be anſwered; Whatever theſe canons mean, that, one part of this Council ſitting at *Conſtantinople*, the other at *Rome*, they received no confirmation from thoſe at *Rome*: (See, for this, what is ſaid before, § 7.) And it is obſervable, that tho there is mention made in them of *Antioch* and *Alexandria*, yet is there none made of the limitations of the Roman, or the Weſtern, Dioceſſes; no, nor yet of limiting the *Conſtantinopolitan* Biſhops, whom they ordered to be the ſecond to *Rome*: for we read not in them, *Conſtantinopolitanæ*

politana Diœceſis Epiſcopi, ea quæ ad Conſtantinopolitanam tantummodo Diœceſim pertinent, gubernent.

Laſtly, Patriarchs themſelves, and thoſe who had complaints againſt them, (according to Dr. *Field's* conceſſions, 5. *l.* 39. *c.* and 34. *c.* p. 530.) might appeal to, 'and were to be judged by, thoſe of their own rank, in 'order before them, aſſiſted by inferior Biſhops. And 'the Biſhop of *Rome*, (ſaith he *p.* 568.) as firſt in order 'amongſt the Patriarchs, aſſiſted with his own Biſhops, 'and the Biſhops of him that is thought faulty, [*tho theſe latter I do not always find neceſſary, or preſent at ſuch judgments, as appears in the inſtances here following*] might 'judge any of the other Patriarchs; and ſuch as had 'complaints againſt them might fly to him, and the Sy-'nods of Biſhops ſubject to him; and the Patriarchs 'themſelves, in their diſtreſſes, might fly to him and 'ſuch Synods for relief and help. Tho (*ſaith he*) of 'himſelf alone he had no power to do any thing. And '(5. *l.* 52. *c.* p. 668.) when (*ſaith he*) there groweth a dif-'ference between the Patriarchs of one See, and ano-'ther; or between any of the Patriarchs, and the Me-'tropolitans and Biſhops ſubject to them; the ſuperior 'Patriarch (not of himſelf alone, but with his Metro-'politans, and ſuch particular Biſhops as are intereſted) 'may judge and determin the differences between them. And (5. *l.* 34. *c.* p. 531.) "—He aſſents to the ſaying of 'Gelaſius Biſhop of *Rome*, urged by *Bellarmin*: That 'no other particular Church or See may judge the 'Church of *Rome*; ſeeing every other See is inferior to it. Thus He. Whoſe Conceſſions if it may be thought that they are too free, and too indulgent to the Church of *Rome*; and therefore that the teſtimonies of this ſingle perſon ought not to be ſo much preſſed, as I have,

§. 20. *n.* 1. *The Patriarchs alſo ſubjected to the judgment of a ſuperior Patriarch.*

The power of Juriſdiction (not only primacy of Dignity) of the Biſhop of Rome above the reſt of the Patriarchs and Biſhops.

and ſhall preſs them in this diſcourſe; I firſt advertiſe you, that they are ſuch as ſeem forced from him moſtwhat in his anſwers to the authorities out of the Primitive times, collected by *Bellarmin*: and then I deſire, that, any peruſing the ſame authorities, would try, if himſelf can ſhape any leſs-yeilding anſwer that may be ſatisfactory, (except this; *the utter rejecting and renouncing all ſuch Authorities which, prudent men ſee, would give too much advantage to the Roman cauſe,*) and I am content that Dr. *Field*'s conceſſions, and whatever is built thereon in this diſcourſe, be cancell'd, and nullified. But, in ſome manner to ſecond Dr. *Field*'s judgment and relation of this matter, I will add to it ſeveral conceſſions of the Archbiſhop of *Spalato*, a copious writer alſo on this ſubject; who of the ancient priviledges of Patriarchs, and, amongſt them, eſpecially of the *Roman*, ſpeaks thus. 3. *l.* 10. *c.* 26. *n.* *Sicut Metropolitanus Epiſcopus ſuffraganeos ſuos errantes corripere & corrigere debet & emendare, ita ſi Metropolitanus erret ſive in moribus, ſive in judiciis & actis ſuis, ne etiam in hoc Synodus ſemper cum incommodo conveniat, a Patriarchis voluit Eccleſiaſtica conſuetudo & lex Metropolitanos emendari; niſi tam gravis ſit cauſa & publica, præſertim fidei, ut totius regionis Synodus, ſive & Oecumenica debeat convenire*; [of which cauſe ſurely the Patriarch is to judge, ſince he only, not they, hath the authority of convocating ſuch Council.] *Ita in Concil. Chalced. cap.* 9. *ſtatutum eſt, ut ſi adverſus Provinciæ Metropolitanum Epiſcopus vel Clericus habeat querelam, petat Primatem Diœceſeos, aut ſedem Regiæ Urbis Conſtantinopolitanæ, & apud ipſam judicetur. Et in octava Synodo Generali Canon expreſſus ponitur de Poteſtate Patriarcharum & Metropolitanorum ſub his verbis.* '*Hæc ſancta & magna Synodus tam in ſeniori & nova Ro*'*ma, quam in ſede Alexandriæ* &c *priſcam conſuetudinem de-*

'*decernit in omnibus conservari, ita ut eorum Præsules* [the 'Patriarchs] *universorum Metropolitanorum, qui ab ipsis 'promoventur, (sive per manus impositionem, sive per Pallii 'dationem) Episcopalis Dignitatis firmitatem accipiant, ha-'beant potestatem; viz. ad convocandum eos urgente necessi-tate ad Synodalem conventum, vel etiam ad coercendum illos & corrigendum, cum fama eos super quibusdam delictis for-sin accusaverit.* So 4.*l.*4.*c.*5.*n.* of the *Constantinopolitan* Patriarch he saith: *Jam introductam consuetudinem ut causa Ecclesiasticæ totius Orientis, quæ in propriis Provin-ciis terminari vix possent, ad Sedem Constantinopolitanam deferrentur, Concilium hoc Chalcedonense bis confirmavit.* And 9. *c.* 1. *n.* of the *Roman* Patriarch thus. —*Quia Pa-triarchæ (ut disserui* 3.*l.* 10.*c.*) *alia Privilegia habent in quibus superant Metropolitanos, habebit etiam Romanus Pontifex omnia Patriarchalia Privilegia; Pallium sibi sub-jectis Metropolitanis illud petentibus concedere* &c *eosdem a lege Divina vel sacris Canonibus deviantes corripere, & in officio continere; controversias inter eosdem exortas compo-nere, causasque eorundem interdum* [i. e. in causis graviori-bus] *audire & decidere; totius Patriarchatus Concilia con-vocare. —Romanum tamen Patriarcham adhuc in qui-busdam peculiari quadam ratione supra omnes etiam Patri-archas excellere jam ostendo.* He goes on there 14.*n.* —*Ex loco sui primi Patriarchatus sacrorum Canonum primus ha-bebatur, & præcipuus observator, custos, ac vindex; quos si alicubi violari cognosceret, acer monitor insurgebat.* [He seems loth to say, *judex*, tho he hath said it before.] —15. *n. Secundum Privilegium Episcopi Romani fuit, ut ad ipsum quicunque Episcopi cujuscunque Provinciæ & Re-gionis* [not only of his Patriarchy] *qui se ab Episcopis pro-priæ Provinciæ gravari sentirent, in judiciis Ecclesiasticis, tanquam ad sacram anchoram, confugerent; apud ipsum in-nocentiam suam probaturi*: [he seems loth to say, that

they repaired to him to have their cauſes heard and judged by him, and to have reſtitution to their places from him; tho nothing is more clear than this, in *Athanaſius* his, and many other caſes inſtanced-in below: but preſently he confeſſeth,] —*Romani Pontifices de facto eos ſedibus ſuis reſtituebant, & ab objectis criminibus tanquam ſi eſſent ſupremi judices abſolvebant*; and this ſo anciently as *Cyprian*'s time, and before the firſt General Council of Nice.] —16. *n.* —*Romanus Pontifex propter ſummam ipſius exiſtimationem, commune quaſi vinculum & nodus erat præcipuus Catholicæ communionis in tota Eccleſia.* —*Catholicæ communionis dux & arbiter, ut cui ipſe ſuam communionem vel daret, vel adimeret, cætera quoque Eccleſiæ omnes ordinarie darent pariter, vel adimerent.* (So elſewhere he ſaith, (8. *c.* 2. *n.*) *Communio cum Eccleſia Romana maximi ſemper facta eſt in Eccleſia totius Imperii Romani univerſali.*) *Propter ſummam ipſius exiſtimationem*, ſaith he; but he mentions not the cauſe which the Ancients give, becauſe it was *Prima Sedes Apoſtolica, & Cathedra Petri & Pauli*; for if he were ſo then [*Dux* &c,] for this reaſon, ſo he ought to be to all Chriſtians ſtill. —17. *n.* *Quartum fuit Privilegium, ut nihil grave in Eccleſia univerſali, niſi conſulto prius Romano Pontifice, ſtatueretur, aut tractaretur; cujus etiam in his non modo Conſilium, ſed conſenſus quoque enixe requireretur.* [He joyns.] *Ita tamen ut abſolute neceſſarius non eſſet; neque ſi abeſſent, Definitiones caſſaret, aut impediret.* But this is contrary to the ancient Church-Canon, *Sine Romano Pontifice* &c. ſee below 21. §. and how elſe will he void the Heretical acts of the 2*d. Epheſine* Council? —Laſtly, 12. *c.* 5. *n.* thus he ſpeaks of the Legats of the *Roman* Biſhops. *Medio tempore* [in which time he reckons *Leo Magnus* to be, and might truly have gone higher had he pleaſed, but *Leo* was before the 4*th* General

General Council] *Romani Pontifices cæperunt aut extraordinarios Legatos a latere ſuo in alienas Provincias mittere, aut ordinarios in ipſis Provinciis habere, alicui ex illius Provinciæ Epiſcopis ſuas vices committentes, & utroſque cum poteſtate jndiciaria & non ſine juriſdictione. Eorum totum munus hoc medio tempore fuit rebus fidei in illa Provincia ſuperintendere, & obſervare, ne quid ipſa fides detrimenti patiatur; Canonum obſervationi invigilare, & corrigenda corrigere, & reformare; & judicia, quæ putabantur Romam eſſe deferenda, leviora abſolvere, graviora Domino Papæ referre.* Thus He.

And indeed, frequent examples there are of the Biſhop of *Rome's* uſing a judicial authority, in ſome maters, over the chiefeſt members of the Univerſal Church. Frequent examples of wronged both *Biſhops* and Patriarchs, appealing and repairing unto him for redreſs, even in early times when his power is ſaid to have bin ſo great. Which redreſs he afforded them; By ſummoning their adverſaries alſo, tho under another Patriarchat, to appear before him: By examining their cauſe, and declaring them innocent by and with his own Patriarchal Council, or with ſo many Biſhops as could well be conven'd, if the cauſe were of moment: By allowing and retaining them in his communion: By declaring the proceedings and acts of their adverſaries (when diſcover'd by him to be againſt the former Eccleſiaſtical Canons) null and void. Whilſt He, as the prime Biſhop of the world, ſeemed to have a ſuperintendency in the interval of General Councils, for the obſervation of the Eccleſiaſtical Canons eſtabliſhed by former Synods, not only (if we may judge by the practice of thoſe ancient and holy Biſhops of *Rome*) over his own Patriarchat, but over the whole Church; of which § 20. *n* 2.

which see more § 21. and 25. &c. by writing to other Patriarchs and Synods, to do the same, and to permit them quietly to enjoy their Dignities; by pronouncing the sentence of Excommunication upon refractory offenders, tho it were those of the highest Dignity: see below § 23. *n.* 5, 6. § 25, &c.

And lastly, if the greatness of the cause, and of the opposition, and their non-acquiescence, in his judgment, so required, by calling other Bishops of what Dignity soever before him, and his Council, or by citing a General Council for their relief. See Dr. *Field* (*l.* 5. *c.* 35. *p.* 536, 538.) Now why such repair was made to him, and such primacy and power given him, beyond all other Bishops, by ancient Church-custom and Canons; whether from the Dignity of the Imperial City, where he was Bishop; or whether from St. *Peter* and St. *Paul's* last residence in this their most eminent seat, and Martyrdom there, leaving the Regiment of the Church of God, which they both finally exercis'd in this place, in that Bishop's hands when they died; (for some reason there must be, that Antiquity so specially applied *Sedes Apostolica* (when as many others were so too) to that See beyond all others; and that the Appealants, and others, made their honourable addresses to it, not as *Sedes Imperialis* (for such addresses to *Rome* ceased not to be still, when the Emperor's chief residence was in the East), but as *Sedes Apostolica*); or whether for both these (for both these are compatible enough) it little concerns me to examine. Only, *de facto* such honour and respect to be given him is most evident. So those famous Worthies of the Church (amongst others), *Athanasius* Patriarch of *Alexandria*, *Paulus* and *Chrysostom* Bishops of *Constantinople*, and *Theodoret* (a Bishop in *Syria*) when oppressed at home, appeal'd to the Bishop

ſhop of *Rome* with his Weſtern Synods, (ſee *Field*, *l.* 5. *c.*39. *p.*570.) In which Appeals, what the Pope's power in thoſe times was accounted to be, and what intereſt his Authority challeng'd in reſpect of the Eaſtern parts of the Church, I think you will remain partly well ſatisfied (notwithſtanding the great conteſts in this matter), if you pleaſe to read theſe quotations, which, travelling thro by five or ſix of the firſt Ages, with ſome trouble to my ſelf, I have tranſcribed, to ſave your pains; leſt perhaps you ſhould not have the opportunity, or the leiſure, or (at leaſt) the curioſity, to ſeek them in their ſeveral Authors. Wherein yet, I could wiſh, if you ſeriouſly ſeek ſatisfaction in this matter, you would review them, I being forc'd, for avoiding further tediouſneſs, to omit many circumſtances.

§ 21. *This power exemplified in the primitive times, to the end of the 6 Age, the days of* Gregory *the Great, extending to* § 36.

See the teſtimony of the Eccleſiaſtical Hiſtorians: The ſeventh Chapter of the third Book of *Sozomen*, who liv'd in the fifth Age, contemporary to St. *Leo*; where, concerning *Paulus* Biſhop of *Conſtantinople*, and *Athanaſius* Patriarch of *Alexandria*, their repair to the Biſhop of *Rome*, *Julius*; he ſaith: *Cum, propter Sedis dignitatem, cura omnium ad ipſum ſpectaret, ſingulis ſuam Eccleſiam reſtituit; ſcripſitque ad Epiſcopos Orientis eoſque increpavit, &c.——deditque mandatum ut quidam illorum, omnium nomine, ad diem conſtitutum, accederent.—Quinetiam minatus eſt ſe de reliquo non paſſurum, &c.* The 11th Chapter of the ſecond Book of *Socrates*, where he ſaith; *Julius* Biſhop of *Rome* ſent Letters to the Oriental Biſhops, *&c. quoniam Eccleſia Romana privilegium præter cæteras obtinebat*; and that *Paulus* and *Athanaſius*, *ad ſuas ipſorum Eccleſias redibant literis Julii confiſi*: concerning which priviledg we have leſs reaſon to rely on the judgment of thoſe *Arrian* Biſhops, oppoſing and ſcoffing

ſcoffing at them, than on the orthodox *Paulus* and *Athanaſius*, acknowledging and ſeeking relief from them. See the ſecond Apology of *Athanaſius* againſt the *Arrians*; wherein he ſaith: *Judicatum eſt non ſemel ſecundum nos, ſed ſæpius ac ſæpius: primum quidem in noſtra Provincia &c.—Secundo Romæ: nobis, cæteriſque adverſariis Euſebii, ad ejus criminoſas literas in judicio comparentibus. Fuere autem in eo conſenſu plures quam* 50 *Epiſcopi*; the Pope with 50 of his Weſtern Biſhops hearing his cauſe. The Epiſtle of *Julius* to the Oriental Biſhops aſſembled at *Antioch*, written before the Council of *Sardica* (and ſo before the 7th Canon thereof was compos'd) and publiſh'd by *Athanaſius*, in that his ſecond Apology, wherein are ſuch paſſages as theſe unto them,—*Quum iidem illi* [thoſe ſent from the Eaſtern Biſhops] *authores mihi fuerunt, ut vos convocarem, certe id a vobis ægre ferri non debuit, ſed potius alacriter ad citationem occurrere.—Cur igitur & in primis de Alexandrina civitate nihil nobis ſcribere voluiſtis?* An ignari eſtis, hanc conſuetudinem eſſe, *ut primum nobis ſcribatur, ut hinc, quod juſtum eſt, definiri poſſit? qua propter ſi iſtic hujuſmodi ſuſpicio in Epiſcopum concepta fuerat, id huc ad noſtram Eccleſiam referri oportuit.— Quæ accepimus a Beato Petro Apoſtolo, ea vobis ſignifico.*— And the ſame thing which *Julius* mentions here [*An ignari eſtis hanc conſuetudinem eſſe, &c.* and before it, *Oportuit ſecundum Canonem & non iſto modo judicium fieri, &c.*] is alſo found urg'd by *Innocentius* (amongſt S. *Auſtin's* Epiſtles, *Ep.* 91.) *Quod illi* [*i.e. Patres*] *non humana ſed divina decrevere ſententia, ut quicquid de disjunctis remotiſque Provinciis ageretur, non prius ducerent finiendum, niſi ad hujus ſedis notitiam perveniret, ubi tota hujus authoritate juſta quæ fuerit, pronunciatio firmaretur; indeque ſumerent cæteræ Eccleſiæ velut de natali ſuo fonte &c.* and mention'd in *Socrates l.* 2. *c.* 13. *Canonibus*

ibus nimirum jubentibus, præter Romanum nihil decerni Pontificem, and in *Sozomen, l. 3. c. 9.*

[Concerning which Canon, much ſtood upon, give me leave to dilate a little, before I produce any more Authorities. *Nothing* (ſay ſome) *(of great conſequence for the Unity and Communion of the Church, or alſo which ſhould univerſally oblige) to be concluded without him*; that is, without his knowledg, or without asking his conſent. So *Calvin, Inſtit. l. 4. c. 7. ſ. 8. ut abſente Romano Epiſcopo univerſale de religione decretum non fiat, ſiquidem intereſſe non recuſet.* The ſame ſaith Dr. *Field*, p. 651. No; not only ſo: for this, as *Bellarmin* replies, will ſignifie no more privilege to this See, than any other Patriarch had; and why canonically and ſingularly is that granted to one, which is common to all?

§ 22. n 1. *A Digreſſion concerning the meaning of that antient Canon;* Sine Romano Pontifice nihil finiendum.

In the ſecond place therefore; Nothing to be concluded by Councils *without him, i. e.* without his giving his conſent: For in this ſenſe, and not only in the former, *Julius* and the *Roman* Biſhops urg'd it; and, that anciently it was taken in this ſenſe, is ſhew'd by the frequent Appeals of Biſhops and Patriarchs to the Biſhop of *Rome* (not ſo to others) for redreſs from the Decrees of Councils; and thoſe Councils, ſome of them, in ſome ſenſe General (as the ſecond *Epheſin* Council) *General*, for the meeting, but not for the vote; ſince neither the *Roman* Patriarch, nor his Legates, nor the Weſtern Biſhops did vote with them, when they thought themſelves injur'd thereby. So *Flavianus* Biſhop of *Conſtantinople* (ſee *Leo Epiſt. 23. ad Theodoſium,—Quia & noſtri fideliter reclamarunt, & eiſdem libellum appellationis Flavianus Epiſcopus dedit.* And *Conc. Chalced. Act. 3.*) and *Theodoret* appeal'd to him from the ſecond *Epheſin* Council, which ſided with *Eutyches*. So *Athanaſius*, and

Paulus, and *Chryſoſtom*, from ſeveral, and numerous, Eaſtern Councils. *Without his giving his conſent then, nothing of moment ſtood firm*,

But thirdly, *Without his giving his conſent* indeed, but ſo amply underſtood, as that this his conſent involve alſo that of all the Weſtern Biſhops of his Patriarchy (few of which, excepting the Pope's Legates, could be perſonally preſent at thoſe remote Councils of the Eaſt): or of ſo many of them, as he could conveniently call to Council (againſt whom it was preſum'd he would do nothing, as a perſon ſtanding wholly ſingular, and univerſally diſſented from); for, theſe making ſo conſiderable a part of the Church, and as it ſeems by that paſſage in the Epiſtle of the Eaſtern Biſhops to *Julius* (*Sozomen l.* 3. *c.* 7.) eſteem'd more numerous than the Eaſt; it was moſt unreaſonable, that any thing of moment, and worthy the cognizance of a General Council (amongſt which this was one, removing Biſhops of note from their Seats, or from the Communion of the Church, which might cauſe great Schiſms) ſhould ſtand in force without their approbation: And upon this that Canon of *Chalcedon*, advancing the Biſhop of *Conſtantinople* (ſo much urg'd) juſtly could have no force, till afterward it was condeſcended to by the Biſhops of *Rome*; becauſe as not he, ſo neither the Weſtern Biſhops allow'd it. Neither upon this could the fifth *Conſtantinopolitan* Council be juſtly call'd General, no more than the 2*d Epheſin* Council (which being never confirm'd, was never accounted ſuch), when-as neither the Biſhop of *Rome*, nor his Legates, nor his Weſtern Biſhops, would be preſent therein (upon a difference between them and the Orientals: not *de fide*, wherein both ſides agreed, but *de perſonis*; *Theodorus*, *Theodoret*, and *Iba*,) until it was afterward confirm'd alſo by the Pope and his Weſtern

ern Party, not long after the ending thereof (becauſe they found it not ſo injurious to the Council of *Chalcedon* as was at firſt fear'd): in like manner as the firſt *Conſtantinopolitan* Council, where none of the Weſt was preſent, was counted the 2*d*. General Council from ſuch a poſt-confirmation of the Weſt. See what is ſaid below, § 25, *n*. 3. and § 26.— But perhaps we may aſcend yet a ſtep higher.

4. *Nothing to be concluded by General Councils without his giving his ſingle perſonal conſent*, tho both Weſtern and Eaſtern Churches were all united in their vote, (yet I think it cannot be ſhewed, that the *Roman* Biſhop ever oppoſed ſuch an univerſal Vote, where his Weſtern Biſhops were joyned with the Eaſt againſt him,) by reaſon of the dignity and primacy of his See. For ſo it was thought fit to be ordered by ancient Canons concerning Metropolitans, in reſpect of their particular Provinces; that nothing may be done without them: (ſee *Conc. Antioch. can.* 9. and *Apoſtol. Can.* 35. &c.) and the reaſon given; —*Sic enim unanimitas erit:* and ſo tis ordered concerning Princes and their Parliaments, for the more peaceable government of States; and why may not this Canon have the ſame meaning for St. *Peter's* chair, in reſpect of General Councils? Eſpecially ſince it is not denied; That as they can conclude nothing without him; ſo neither might He, without Them, (*i.e.* in the time of their ſitting, or aſſembly) do any thing which was obligatory to the whole Church. He may indeed in the interval of Councils take care of the due obſervance of former Eccleſiaſtical Canons, and, perhaps alſo, for the preſent peace of the Church, (ſee § 18. and below, § 34.) decide dubious matters, upon appeals made to him for the peace of the Church, till ſuch Council meet: for tis both neceſſary in general, § 22. *n*. 2.

that ſome ſtanding ſupreme Tribunal there be, where, in the vacancies of General Synods, Suits ſhould be finally terminated; and alſo the practice of Appeals from all parts of the Church, for matters of moment, to *Rome*, do ſhew his in particular to be that Tribunal. So Metropolitans alſo do act ſingle, when their Provincial Councils are not convened, who in time of thoſe Councils may act nothing without their concurrence. But yet when a General Council ſits, it may upon mature deliberation reverſe any thing he hath done without it; correct any error he hath committed; neither do his laws preſcribe to it. To which purpoſe hear what S. *Auſtin* ſaith, Epiſtle 162. in a judgment given againſt the *Donatiſts*, before the *Nicen* Council, by the *Roman* and ſome other Biſhops. *—Ecce putemus illos Epiſcopos, qui Romæ judicarunt, non bonos judices fuiſſe; reſtabat adhuc plenarium Eccleſiæ univerſæ Concilium* [Nicænum,] *ubi etiam cum ipſis Judicibus cauſa poſſit agitari; & ſi male judicare convicti eſſent, eorum ſententiæ ſolverentur. Solverentur*, therefore till ſuch Council ſuch ſentence was obliging. The iſſue therefore of ſuch mutually limited power is only this, (which can neither damage the Churches doctrine, nor diſcipline); That where both (the Council, and this prime Patriarch) agree not, no new law, no change can be made; but all things muſt remain *in ſtatu quo prius*, which ſtate of things is no way alterable by the Biſhop of *Rome*: for this Canon, if it give him a negative power againſt what is to be eſtabliſhed, it doth not ſo for what hath bin eſtabliſhed, as well by the former Biſhops of *Rome*, as former Councils. See the conceſſion of *Zoſimus* to this purpoſe, (*apud Gratianum. 25. q. contra ſtatuta.*) *—Contra ſtatuta Patrum condere aliquid vel mutare, nec hujus quidem Sedis poteſt authoritas. Apud nos enim inconvulſis radicibus vivit*

vivit antiquitas, cui decreta Patrum ſanxere reverentiam. Which former Synods, if he ſhall happen to treſpaſs againſt, and incur the guilt of hereſy, upon evidence of the fact, he is condemnable and depoſable by the Council: of which ſee more 2. *part.* §. 20. So we find a Pope, *Honorius*, condemned of hereſy, as a *Monothelite*, by the *6th* General Council. but this was done by the Pope, as well as the Council. Hear, what a Biſhop of *Rome*, *Adrian* the 2*d.* ſaith concerning this matter, (in the 8*th* General Council. Act. 7.) *Romanum Pontificem de omnium Eccleſiarum Præſulibus judicaſſe legimus; de eo vero quenquam judicaſſe non legimus. Licet enim Honorio ab Orientalibus poſt mortem anathema ſit dictum, ſciendum tamen eſt* [quod] *qui fuerat ſuper hæreſi accuſatus, propter quam ſolum licitum eſt minoribus majorum ſuorum motibus reſiſtere, vel pravos ſuos ſenſus libere reſpuere; quamvis & ibi nec Patriarcharum nec cæterorum Antiſtitum cuipiam de eo, quamlibet fas fuerit proferre ſententiam, niſi ejuſdem primæ Sedis Pontificis conſenſus præceſſiſſet.* and what that Council ſaith, *Can.* 21. *—Sed ne alium quenquam conſcriptiones contra Sanctiſſimum Papam ſenioris Romæ ac verba complicare, vel componere liceat* &c, *quod & nuper Photius* [Patriarch of *Conſtantinople*, whom this Council depoſed] *fecit, & multo ante Dioſcorus*, [Patriarch of *Alexandria.*] *Quiſquis autem tale facinus contra Sedem Petri Principis Apoſtolorum auſus fuerit intentare, æqualem & eandem, quam Illi, condemnationem* [*i.e.* depoſition] *recipiat. Porro ſi Synodus Univerſalis fuerit congregata; & facta fuerit etiam de Sancta Romanorum Eccleſia quævis ambiguitas aut controverſia, oportet venerabiliter, & cum convenienti reverentia de propoſita quæſtione ſciſcitari & ſolutionem accipere, aut proficere, aut profectum facere, non tamen audacter ſententiam dicere contra ſummos Senioris Romæ Pontifices.* Thus that Council in oppoſition to *Photius*

Photius his former violences toward the *Roman* See; and thus much of that old Canon, mentioned in the Epiſtle of *Julius* to the Orientals, aſſembled at *Antioch.* Who ſince they made an *Arrian* Creed contrary to the *Nicene*, and condemned *Athanaſius*, and ſome other Orthodox Biſhops, which things were done, if not by the *major* party, yet by the prevailing; it is as reaſonable to affirm, That the ſame perſons only, that did theſe things, writ that Letter to *Julius*, ſo invective againſt the authority of the *Roman* See, and not the *major* part; whom *Spalatenſis*, to add the more authority to this Letter, contends to have bin Catholick. (See his 3. *l.* 8. c. 3. *n.* &c. 4. *l.* 8. c. 11. *n.* &c.) However it is clear, that *Julius* his proceedings are juſtified againſt them, both by the Occidental Orthodox Biſhops, and by *Athanaſius*, and other orthodox Biſhops of the Eaſt, and by the Council of *Sardica*, and by the Eccleſiaſtical Hiſtorians. See *Sozomen*, 3. *l.* 7. c. and 9. c. where the ſame perſons that writ to *Julius*, (the Hiſtorian ſaith,) *contra Concilii Nicæni decreta res geſſerunt*, and were accuſed by *Julius*, (9. c.) *quod clam contra fidem Concilii Nicæni novas res moliti fuerunt.* See *Socrates* 2. *l.* 7. *c.* their changing the *Nicene* Creed. Thus much concerning the meaning of the ancient Canon. Now to go on.]

§ 23. *n.* 1. See (*in Athanaſ. Apol.* 2. and *Socrates* 2. *l.* 19. c. and *Epiphan. Hær.* 68.) *Valens* and *Urſatius*, two Biſhops, one in *Myſia*, the other in *Pannonia*, both very gracious with the Emperour *Conſtantius*, and leaders of the *Arrian* faction, (upon repentance of their error, and alſo calumnies againſt *Athanaſius*) repairing to *Rome*, and delivering to *Julius*, *libellum pœnitentiæ*, and begging pardon and reconciliation, tho afterward they relapſed.

See

See the 3*d*, 4*th*, and 7*th* Canons of the Council of *Sardica*, ſet down before, § 11. (in which great Council are reckoned by *Athanaſius*, one preſent in it, (*in* 2. *Apolog.*) ſome Biſhops preſent from our *Britanny*, [*Epiſcopi Hiſpaniarum, Galliarum, Britanniarum*, &c.] Neither is this any wonder; ſince they were alſo at *Conc. Arelat.* 11 years before that of *Nice*, ſee *Hammond ſchiſm.* p. 110.) which canons ſeem to confirm appeals to the Biſhop of *Rome*, and to authorize him to hear and decide the cauſes (by himſelf or his Legats) of thoſe Biſhops alſo, who were not under his Patriarchy. For it is not limited to the Weſtern Patriarchy, but generally propoſed, [*Si in aliqua Provincia Epiſcopus* &c.] *Can.* 3. and the motive propoſed by *Hoſius*, formerly Preſident of *Nice*, is general, not more concerning one part of the Church than another, [*the honouring of S.* Peter's *memory*,] and theſe canons were made by that Council not long after *Athanaſius* (a Biſhop not ſubject to the *Roman* Patriarchy, but himſelf a Patriarch) his appeal to *Rome*, and the judgment of his cauſe (by witneſſes brought out of the Eaſt, and his adverſaries counter-plea) there: which judgment and ſentence as the Eaſtern Biſhops at *Antioch* much ſlighted and undervalued, ſo this *Sardican* Council approved. and if theſe canons reſpected all in general, then, ſince the Biſhops of our *Britanny* alſo were there, this was their act, as well as of the reſt, and obliged *Britanny* to the ſame ſubordinations with the reſt.

See the Epiſtle of St. *Baſil* (*Epiſt.* 52.) to *Athanaſius*, about the ſuppreſſion of *Arrianiſm* in the Eaſt; wherein he ſaith,—*Viſum eſt conſentaneum ſcribere ad Epiſcopum Romanum, ut videat res noſtras, & decreti ſui judicium interponat.—authoritatem tribuat delectis viris.* —*qui* § 23. *n.* 2.

—qui acta Ariminensis Concilii secum ferant, ad ea rescindenda, quæ illic violenter acta sunt, &c.— See the two Epistles of *St. Hierom* to *Damasus* Bishop of *Rome*, desiring to know, what he should hold concerning the word *Hypostasis*, applied to the Three Persons of the Trinity; and with whom communicate in the East,—wherein thus he; *Quoniam vetusto Oriens inter se populorum furore collisus, &c. ideo mihi Cathedram Petri, & Rom* 1. 8. *fidem Apostolico ore laudatam censui consulendam. —Apud vos solos incorrupta Patrum servatur hæreditas. — Ego nullum primum nisi Christum sequens, Beatitudini tuæ, id est, Cathedræ Petri communione consocior: super illam Petram ædificatam Ecclesiam scio.——Quicunque extra hanc domum agnum comederit profanus est,—&c.—Ideo hic collegas tuos Ægyptios Confessores sequor* [communicating with them] *—Non novi Vitalem: Meletium respuo: ignoro Paulinum.* [There being much division and distraction in the Church of *Antioch* (under which *St. Hierom* liv'd) between *Meletius*, and *Paulinus* (successively Bishops thereof), and *Vitalis* a Presbyter].—*Cui apud Antiochiam debeam communicare, significes.—decernite, si placet, obsecro: non timebo tres Hypostases dicere, si jubetis.*— And in the second Epistle; *In tres partes scissa Ecclesia ad se rapere me festinat.—Ego interim clamito; si quis Cathedræ Petri jungitur, mens est. Meletius, Vitalis, atque Paulinus* [every one of them, tho of several tenents] *tibi hærere se dicunt: possum credere, si unus* [only one of them] *hoc assereret; nunc vero aut duo, aut omnes mentiuntur. Idcirco obtestor, ut mihi literis tuis, apud quem in Syria debeam communicare, significes.* Thus *S. Hierom.* To which *Bellarmin* adds *Erasmus* (a moderate man) his comment upon it; *—videri sibi Hieronymum his verbis asserere, omnes Ecclesias subjectas esse Apostolicæ Sedi.* At least it seems, in times of schisms and divisions, this Fa-

Father thought it (for the reaſon mention'd) the ſafeſt way to adhere to the *Rom.* See: yet ſpeaks he not of the *B.* of *Rome* as judging ſingly, whom he thought liable to Hereſie [ſaying, *in catalogo Scriptorum*, ſome ſuch thing of *Liberius* ſubſcribing *Arrianiſm* (tho indeed much apology may be made for *Liberius* in this matter, yet not ſuch as can free him from all fault, he ſubſcribing only, and that when he was tired out with baniſhment and other cruelties, the *Sirmian* Creed, which only omitted *Conſubſtantialis*, ſee *Part* 2. § 41.)] but of him join'd with his Council, or with his Weſtern Biſhops. Therefore he ſaith, *apud vos ſolos &c.*— and—*Decernite, ſi placet, obſequor, &c.* Therefore the more ſtrict vindicators of the *Roman* inerrability in matters of Faith, take not the Biſhop thereof ſingly and unſynodically, as his private judgment may inform, or paſſions incline him, eſpecially upon ſome violence and terrors uſed (as in *Liberius* it was); but, as aſſiſted with his Council, he weigheth, judgeth, and defineth ſuch matters (ſee *Bell. de Rom. Pont. l.* 4. *c.* 2, 3, 4.) in a time when a General Council is not, nor cannot ſo conveniently be had. In which intervals, it may be preſum'd, Chriſt is not wanting to the ſupremeſt Guide of the Church, uſing what helps he hath at hand; conſidering what he ſaith, *Mat.* 18.19,20. And Dr. *Field*, in anſwer to theſe places of *Hierom* (p. 547.) goes thus far: 'Thirdly, we ſay, 'it is more than probable, that the whole Weſtern Church 'ſhall never loſe or forſake the true profeſſion, and 'therefore he may truly be judg'd a prophane perſon 'that eateth the Paſchal Lamb out of the Communion 'of the ſame); tho ſometimes the Biſhop of *Rome* in 'perſon be an Heretick, other of his Collegues conti-'nuing faithful. But then; I ask, according to this, when-as not none at all, or a few, but moſt, of his

Weſtern Collegues are join'd with the Biſhop of *Rome* (in which Communion, no inſtance in Antiquity can ſhew him to have been Heretical), and only a few in the Weſt divided from him, which will ſeem ſafeſt (to thoſe who will be guided by authority) in *St. Hierom's* opinion, to adhere to *Cathedra Petri*, or the *Cathedra* elſewhere oppoſing it? As for what is urg'd (by Dr. *Field, ibid.*) out of *St. Hierom* (*Epiſt. ad Evagrium*) to counterbalance theſe, *of a deprav'd cuſtom in Rome*; when-as this was no way patroniz'd by any Epiſcopal Conſtitution; and *of his holding Presbyters and Biſhops*, and again *Biſhops of Alexandria, and Tanais, ejuſdem meriti & ſacerdotii*; when-as he meaneth *ratione ordinis*, not *juriſdictionis*; or *jure divino*, not *eccleſiaſtico*; for ſo he ſaith in the ſame Epiſtle; *Quod poſtea unus electus eſt, qui cæteris præponeretur, in ſchiſmatum remedium factum eſt. Factum eſt, i. e.* by the Apoſtles, or the Councils; which ſufficiently juſtifies his allowance of, and ſubmiſſion to, Patriarchal authority. Theſe places ſeem to me of no force to null, or to qualifie, his former expreſſions to *Damaſus*. See *Optatus*, who diſputes thus (*l.* 2.) againſt the ſchiſmatical *Donatiſt* Biſhops; *Videndum eſt, qui & ubi prior Cathedra ſederet,—Negare non potes ſcire te in Urbe Roma Petro primo Cathedram Epiſcopalem eſſe collatam,—in qua una Cathedra unitas ab omnibus ſervaretur, ne cæteri Apoſtoli ſingulas* [*Cathedras*] *ſibi quiſque defenderent, ut jam ſchiſmaticus & peccator eſſet, qui contra ſingularem Cathedram* (*i. e. Petri*) *alteram collocaret. Ergo Cathedra unica ſedit prior Petrus, cui ſucceſſit Linus, Lino Clemens, &c. Damaſus, Damaſo Siricius, hodie qui noſter eſt ſocius. Cum quo nobis totus orbis, commercio formatarum, in una communionis ſocietate concordant. Veſtra Cathedra vos originem reddite.—Sed & habere vos in urbe Roma, partem aliquam dicitis,—Quid eſt hoc quod pars veſtra in urbe Roma*

Epiſ-

Epiſcopum civem habere non potuit?—Unde eſt quod claves regni vobis uſurpare contenditis, qui contra Cathedram Petri veſtris præſumptionibus & audaciis ſacrilegio militatis? —Probatum eſt nos eſſe in Eccleſia ſancta Catholica; apud quos & ſymbolum Trinitatis eſt, & per Cathedram Petri, quæ noſtra eſt, & cæteras dotes apud nos, eſſe etiam Sacerdotium, &c. [I hope none will ſay, that *Optatus* argues thus, becauſe *St. Peter's* Chair happen'd in his times to be orthodox, but becauſe he took it for granted, that it muſt be orthodox (and ſo all the Churches join'd to it) becauſe *St. Peter's* Chair].

See *Damaſus Epiſt.* 5. *ad Africanos,—Inſtituta eſſe majorum, ut cuncta, quæ poſſit aliquam recipere dubitationem ad nos quaſi ad caput, ut ſemper fuit conſuetudo, deferre non dubitetis.* Of whom thus *Spalatenſis, l.7.c.5.n.23. Ex non Apocryphis Damaſum primum obſervo, qui talis ſui privilegii mentionem fecit, ipſum vero ad ſola majorum inſtituta reſut.* See the Epiſtle of *Siricius* Biſhop of *Rome*, *A. D.* 389, to the Metropolitan Biſhop of *Tarracon* in *Spain*, c.15. *Explicuimus ut arbitror (Frater chariſſime) univerſa quæ digeſta ſunt in querelam; & ad ſingulas cauſas, de quibus ad Romanam Eccleſiam, utpote ad caput ſui corporis, retuliſti, ſufficientia (quatuor opinor) reſponſa reddidimus: Nunc fraternitatis tuæ animum ad ſervandos canones & tenenda decretalia conſtituta magis ac magis invitamus, ut hæc in omnium coepiſcoporum noſtrorum perferri facias notionem, —ad univerſos Carthaginenſes, atque Bæticos, Luſitanos, atque Gallicos, &c.* See the Epiſtle of *Zoſimus* (a Biſhop of *Rome* in *St. Auſtin's* time) *ad Epiſc. Salonit.* where prohibiting the admitting of *Monks*, and alſo *Laicks*, immediately to be Biſhops, without their paſſing thro, and continuance for ſome time in, inferior Eccleſiaſtical Functions, he ſaith; —*Hoc autem ſpecialiter, &* §. 23. n. 3.

ſub Prædeceſſoribus noſtris, & nuper a nobis interdictum conſtat, literis ad Gallias Hiſpaniaſque tranſmiſſis. —Ad te potiſſimum ſcripta direximus, quæ in omnium fratrum & Coepiſcoporum noſtrorum facies ire notitiam. —Sciet, quiſquis hoc, poſtpoſita Patrum & Apoſtolicæ Sedis authoritate, neglexerit, a nobis diſtrictius vindicandum &c.

§ 23. *n.* 4. See the Epiſtles of the *African* Biſhops, (in the 5th *Carthaginian*, and in the *Milevitan*, Councils, held there againſt *Pelagianiſm*, amongſt whom was S. *Auſtin*) ſent to Pope *Innocent I*; and his Anſwers to them, (being amongſt S. *Auſtin's* Epiſtles, the 90, 91, 92, 93.) where the 92. the *African* Biſhops begin thus. *—Quia te Dominus gratiæ ſuæ præcipuæ munere in Sede Apoſtolica collocavit, talemque in noſtris temporibus præſtitit, ut* &c. and ſee the cloſe thereof. And (in Epiſtle 90.) *—Hoc itaque geſtum, Domine Frater Sancte, charitati tuæ intimandum duximus, ut ſtatutis noſtræ mediocritatis etiam Apoſtolicæ Sedis adhibeatur authoritas.* And S. *Auſtin* (*Retract.* 2. *l.* 49. *c.*) ſpeaketh of the ſame buſineſs in this language: *—Poſtea quam Pelagiana hæreſis cum ſuis authoribus ab Epiſcopis Eccleſiæ Romanæ, prius Innocentio, deinde Zoſimo (cooperantibus Concilorum Africanorum literis) convicta atque damnata eſt, ſcripſi* &c. And *Poſſidonius*, S. *Auſtin's* Collegiat, (*in vita Auguſt.* 18. *c.* thus. *—Et cum iidem* [Pelagiani] *perverſi Sedi Apoſtolicæ, per ſuam ambitionem, eandem perfidiam perſuadere conabantur; inſtantiſſime etiam Conciliis Africanis ſanctorum Epiſcoporum geſtum eſt; ut S. Papæ urbis Romæ, & prius venerabili Innocentio, & poſtea ſancto Zoſimo ejus ſucceſſori, perſuaderetur; quod illa Secta Catholicæ fidei & abominanda & damnanda fuiſſet. At illi tantæ Sedis Antiſtites ſuis diverſis temporibus eoſdem notantes, atque a membris Eccleſiæ* [i. e. Catholicæ] *præcidentes datis literis ad Africanas Orientis & Occidentis Eccleſias*

leſias, eos anathematizandos & devitandos ab omnibus Catholicis cenſuerunt. Et hoc tale de illis Eccleſiæ Dei Catholicæ probatum judicium [where he ſeems to call the Pope's judgment the Catholical] *etiam piiſſimus Imperator Honorius audiens & ſequens, ſuis eos legibus damnatos & inter hereticos habere debere conſtituit.* And ſee the Biſhop of *Rome's* anſwers, wherein he vindicates the univerſal authority of that See; ſomething of which is quoted before, § 21.

After which judgment in *Africk*, both *Pelagius*, and *Cæleſtius* (his chief diſciple) made their appeals to *Rome*, to *Zoſimus* the Succeſſor of this *Innocentius*, under ſuch forms as theſe: *Si forte quiſpiam ignorantiæ error obrepſerit, veſtra ſententia corrigatur,*— and, *—Emendari cupimus a te, qui Petri & fidem & ſedem tenes:* and were (upon a falſe relation of their tenents) favoured there, to the great offence of the *African* Biſhops, but afterward alſo condemned by that See; and their condemnation publiſhed from thence to all Churches. See for what is ſaid the authorities in S. *Auſtin*, and others, quoted by *Baronius*, A.D. 418. See S. *Auſtin contra Julianum*, 1. *l.* 2. *c.* where, urging againſt *Julian* the teſtimonies of the Occidental Fathers for Original ſin, he ſaith thus: *—An ideo contemnendos putas, quia Occidentalis Eccleſiæ ſunt omnes. —Puto tibi eam partem orbis ſufficere debere, in qua primum Apoſtolorum ſuorum voluit Dominus glorioſiſſimo Martyrio coronare. Cui Eccleſiæ præſidentem beatum Innocentium ſi audire voluiſſes, jam tunc periculoſam juventutem tuam Pelagianis laqueis exuiſſes. Quid enim potuit vir ille Sanctus Africanis reſpondere Conciliis, niſi quod antiquitus Apoſtolica Sedes & Romana cum cæteris tenet perſeveranter Eccleſia? —Non eſt ergo cur provoces ad Orientis Antiſtites* &c. See S. *Auſtin*'s Epiſtle 261. written to *Cæleſtine*, Biſhop of *Rome*, in his old age; as appears

pears in the end of the Epiſtle, [*ſi meam ſenectutem fueris conſolatus,*] and probably after the conteſt of the *African* Council about Appeals, that Council being held 419. and *Celeſtine* made Biſhop of *Rome* 423. who outlived S. *Auſtin*, who died, 430. *Ludov. de Angelis, lib.* 4. c. 6. It was written concerning one *Antonius*, for whom S. *Auſtin* had procured the Biſhoprick of *Fuſſala*, a place formerly in his own Dioceſs: but being very remote from *Hippo* he obtained, that a new Biſhoprick might be erected there; which *Antonius*, for ſome miſcarriage, being by the neighbouring Biſhops of *Numidia* removed from that Biſhoprick, yet not utterly degraded, had appealed to the Biſhop of *Rome*, and had much threatned by this Biſhop's power, to procure a reſtorement to his place. In this Epiſtle, thus S. *Auſtin* beſeecheth the Pope. —*Collabora obſecro nobiſcum: & jube tibi quæ decreta ſunt omnia recitari.* —*Exiſtat exemplo, ipſa Apoſtolica Eccleſia judicante, vel aliorum judicia firmante, quoſdam pro culpis nec Epiſcopali ſpoliatos honore, neque relictos omnimodo impunitos. Quia ergo* &c. *ſubveni hominibus opem tuam in Chriſti miſericordia poſcentibus: non ſinas iſta fieri* [i.e. *Antonius* to be reſtored by force] *obſecro te per Chriſti ſanguinem, per Apoſtoli Petri memoriam, qui Chriſtianorum præpoſitos Populorum monuit, ne violenter dominentur inter Fratres* &c. This he ſaith againſt the *Executores Clericos* of the *Roman* See, many times uſing unjuſt violence; but we ſee he declines not the Biſhop of *Rome's* judgment, but hopes to have it favourable to his cauſe. —See likewiſe his Epiſtle 157. to *Optatus*: wherein he mentions a legation impoſed upon him and ſome other Biſhops, for ſome Eccleſiaſtical affair, to *Cæſarea* in *Mauritania*. —*Quo nos* (ſaith he) *injuncta nobis a venerabili Papa Zoſimo Apoſtolicæ Sedis Epiſcopo, Eccleſiaſtica neceſſitas traxerat.* Of which alſo thus *Poſſidonius*

nius. *Vit. Aug.* 14. c. —*In Cæsariensem Mauritaniæ Civitatem venire venerabilis memoriæ Augustinum cum aliis Episcopis, Sedis Apostolicæ literæ compulerunt, ad terminandas viz. aliquas Ecclesiæ necessitates,* &c, [which shews what authority the *Roman* Bishop used over the *African* in this Fathers time;] where S. *Austin* did many good offices for that Province, and had successful disputes with *Emeritus*, the Bishop of that city. (See *Possid. vit. Aug.* 14. c. *Aug. de gest. cum Emerit.*)

See the Epistle of *Cyril*, Bishop of *Alexandria*, to *Celestin* Bishop of *Rome*, wherein he saith, concerning *Nestorius* Bishop of *Constantinople*, before condemned by any General Council. *At quamvis res ita habeat, non prius tamen illius communionem confidenter disserere ausi fuimus, quam hæc ipsa pietati tuæ indicaremus. Digneris proinde quid hic sentias declarare, quo liquide nobis constet, communicare ne nos cum illo oporteat; an vero libere eidem denunciare, neminem cum illo communicare, qui ejusmodi erroneam doctrinam fovet & prædicat.* Again, see the great authority, that *Celestin* Bishop of *Rome*, used against the same *Nestorius*, which authority was approved and submitted to by *Cyril*, and the *Alexandrian* and also the *Ephesine* (the 3d. General) Council. Thus *Celestin* writeth in his Epistle to *Cyril*: *Nostræ Sedis authoritate ascita, nostraque vice & loco, cum potestate, usus, ejusmodi sententia exequeris, nempe ut nisi decem dierum intervallo ab hujus nostræ admonitionis die numerandorum, nefariam doctrinam suam conceptis verbis anathematizet* &c, *illico Sanctitas tua illi Ecclesiæ prospiciat.* Thus *Celestin* to *Nestorius*: —*Post unam & alteram admonitionem* &c, *nisi nunc tandem quæ perverse docuisti per te corrigantur, in posterum & a nostro consortio & ab omnium Christianorum cœtu alienum te fore nihil quicquam dubites.*— Upon this, thus

§ 23. n. 5.

thus *Cyril*, and his *Alexandrian* Council, to *Neſtorius*: —*Quod ſane, niſi juxta tempus in literis Celeſtini ſacratiſſimi reverendiſſimique Romanorum Epiſcopi expreſſum, præſtiteris; certo ſcias nullam tibi deinceps cum Epiſcopis & Sacerdotibus Dei conſuetudinem, nullum ſermonem, nullum denique inter eos locum futurum eſſe.*— All which proceedings ſee approved in the Acts of the *Epheſine* Council, *Tom.* 2. *c.* 5. and then ſee the ſentence of the Council againſt *Neſtorius*, running thus: *Per ſacros Canones, ſanctiſſimiq; Romanæ Eccleſiæ Epiſcopi Celeſtini Patris noſtri literas, lachrymis ſuffuſi & pene inviti, ad lugubrem hanc ſententiam urgemur.* See the like things related by *Evagrius*, 1. *l.* 4. *c.*

§ 23. *n.* 6. See the Epiſtle of S. *Chryſoſtom*, Biſhop of *Conſtantinople*, (in baniſhment, being depoſed by a Synod held there,) appealing to *Innocentius* Biſhop of *Rome*, and ſending to him ſome of his Biſhops, wherein he beſpeaks him thus: —*Quamobrem ne confuſio hæc omnem, quæ ſub cælo eſt, nationem invadat, obſecro ut ſcribas, quod hæc tam iniquefacta (& abſentibus nobis, & non declinantibus judicium) non habeant robur, ſicut neque natura ſua habent: illi autem, qui adeo impune egiſſe deprehenſi ſunt, pœnæ Eccleſiaſticarum legum ſubjaceant.* Upon which ſuit the Biſhop of *Rome* called a Synod of his Biſhops, and pronounced the proceedings of *Theophilus*, Patriarch of *Alexandria*, to be againſt the canons, and void. (See *Field*, p. 536. and *Epiſt. Innocent. apud Binnium.*) And is ſaid, by *Baronius*, A.D. 407. (who quotes for it many authors, *Gennadius*, *Nicephorus*, *Glycas*; to which may be added, *Georgius*, Patriarch of *Alexandria*, in the *Edit. Savil.* of *Chryſoſtom*, 8. *Tom.* p. 248.) after he heard of *Chryſoſtom's* death in baniſhment to have excommunicated both *Arcadius*, the Eaſtern Emperour, and *Eudoxia*,

xia, and *Theophilus*, his chief oppreſſors. But this fact is denied by Dr. *Field* upon the ſilence of Hiſtorians more ancient. In *Innocentius's* letter to *Arcadius* we find theſe words: *Itaque ego minimus & peccator, cui thronus magni Petri Apoſtoli creditus eſt, ſegrego, & rejicio te, & illam, a perceptione immaculatorum myſteriorum Chriſti Dei noſtri. Epiſcopum etiam omnem, aut Clericum ordinis ſancta Chriſti Eccleſiæ, qui adminiſtrare aut exhibere ea vobis auſus fuerit, ab ea hora, qua præſentes vinculi mei legeritis literas, dignitate ſua excidiſſe decerno*, &c. The truth of this Epiſtle I decide not; but tis certain, that S. *Ambroſe*, before this, excommunicated the Emperour, his Father: and if *Arcadius* his violences to holy *Chryſoſtom* his Biſhop deſerved the like Eccleſiaſtical cenſure, I know not who, after *Chryſoſtom*'s death, could inflict it more properly than the firſt See. which alſo was defended in it by *Honorius* brother to *Arcadius*, and Emperour in the Weſt. See, the Epiſtle of *Theodoret*, a *Syrian* Biſhop, appealing from the 2*d*. *Epheſine* Council (by which he was (in abſence) condemned and depoſed as a *Neſtorian*) to *Leo* Biſhop of *Rome*, whom he ſues to in theſe terms: —*poſt tot ſudores & labores, ne in jus quidem vocatus ſum condemnatus.* —*Ego autem Apoſtolicæ veſtræ Sedis expecto ſententiam, & ſupplico & obſecro veſtram ſanctitatem, ut mihi opem ferat, juſtum veſtrum & rectum appellanti judicium, & jubeat ad vos accurrere*, [for the Emperour had confined him to *Cyrus* the place of his Biſhoprick,] *& oſtendere meam doctrinam veſtigia Apoſtolica ſequentem.* And his Epiſtle to *Renatus*, one of the Biſhop of *Rome's* Legats in the 2*d*. *Epheſine* Council: —*Te precor, ut ſanctiſſimo Archiepiſcopo Leoni perſuadeas, ut Apoſtolica utatur authoritate, jubeatque ad veſtrum Concilium adire. Tenet enim ſancta iſta Sedes gubernacula regendarum cuncti orbis Eccleſiarum.* —*Habet enim ſanctiſſima Romana Sedes om-*

nem per orbem Eccleſiarum principatum, cum multis aliis de cauſis, tum maxime, quod hæreticæ labis immunis permanſit, [this was long after the times of *Liberius*; by which it appears, Antiquity imputed no *Arrianiſm* to this See,] *& Apoſtolicam gratiam immaculatam ſervavit.* Whoſe cauſe Pope *Leo* accordingly judged, and cleared him: and afterward, the General Council of *Chalcedon*, after due examination (ſome there alſo oppoſing *Theodoret*) did the like. (*After examination*) I ſay; (For the Pope's, and his aſſiſtant Biſhops ſentence, it ſeems, was not accounted ſo authentick, and unrepealable, that a General Council might not review, examin, and, if ſeeming to them erroneous, reverſe it;) upon which judgment of the Council (concurring with his) *Leo* thus anſwers *Theodoret.* —*Quæ noſtro prius miniſterio Dominus definierat, univerſæ fraternitatis* [*i. e.* of the Council] *irrefragabili firmavit aſſenſu; ut vere a ſe prodiiſſe oſtenderet, quod prius a prima omnium Sede firmatum, totius Chriſtiani orbis judicium recepiſſet; ut, in hoc quoque capiti membra concordent.* —*Nam, ne aliarum Sedium ad eam, quam cæteris omnibus Dominus ſtatuit præſidere, conſenſus videretur aſſentatio, inventi prius ſunt, qui de judiciis noſtris ambigerent* &c. See *Socrates Eccleſ. Hiſt.* 5. *l.* 15. *c.* where he ſpeaks thus concerning the reconciling of *Flavianus*, Patriarch of *Antioch*, to the *Roman* See. *Theophilus* [*i. e.* the Patriarch of *Alexandria*] *odio in illum* [i. e. *Flavianum*] *reſtincto, Iſidorum Presbyterum miſit, uti Damaſi* [*Siricii* it ſhould be, ſaith *Baronius*] *animum in Flavianum exulceratum mitigaret, doceretque in uſu Eccleſiæ eſſe, ſi propter populi concordiam peccatum a Flaviano commiſſum remitteret. Quocirca communione Flaviano ad hunc modum reddita* [therefore he had bin formerly by the *Roman* Biſhop excommunicated] *populus Antiochenus ad concordiam reducitur,* [therefore formerly in the want of that communion

munion they had refuſed ſome obedience and ſubmiſſion to him.] After theſe clear evidences of the *Roman* Biſhops power, now to look a little back into the former ages; wherein, by reaſon of the perſecutions by heathen Princes, the Church's diſcipline was not altogether ſo perfectly formed.

See *Athanaſius de ſententia Dionyſii Alexandrini*; where he relates how *Dionyſius* Biſhop of *Alexandria* (living above fifty years before the *Nicene* Council) was accus'd by ſome of *Pentapolis*, as erroneous in the Doctrine of the Trinity, to *Dionyſius* the then Biſhop of *Rome*; and thereupon writ an Apology to purge himſelf,—*Quidam ex Eccleſia rectè quidem ſentientes, ſed tamen ignari &c. Romam aſcenderunt, ibique eum apud Dionyſium ejuſdem nominis Romanum Præſulem accuſaverunt. Re comperta Alexandrinus poſtulavit a Romano Præſule, ut objecta ſibi indicaret,—*[*&*] *non rixandi animo, ſed ſui purgandi, Apologiam ſcripſit.* Here it ſeems *A. D.* 266. (long before the cauſe of *Athanaſius* his) addreſſes were made by the *Alexandrians* to the *Roman* Biſhop. See *St. Cyprian*, contemporary to *Dionyſius*, to procure the depoſing of *Marcianus* Metropolitan Biſhop of *Arles* in *France*, becauſe he ſided with *Novatian*; writes thus to *Stephen* Biſhop of *Rome* about it;—*Dirigantur in Provinciam & ad plebem Arelatæ conſiſtentem a te literæ, quibus abſtento Marciano, alius in locum ejus ſubſtituatur.* Where Dr. *Field* (*l.* 5 *c.* 37.) grants, *Cyprian* rather writ to him to do this, than did it himſelf, becauſe the Roman Biſhop was Patriarch of the Weſt. And it appears from his 68th Epiſtle, that, in his time two Biſhops of *Spain*, *Baſilides*, and *Martialis*, ejected for giving their conſent to ſome Idolatry, appeal'd to the Biſhop of *Rome*, to reſtore them to their Dignities.—"*Romam pergens* [*i. e.* *Ba-*

§ 23. *n.* 7.

Baſilides] *Stephanum collegam noſtrum, longe poſitum, & geſtæ rei, ac tacitæ veritatis ignarum, fefellit; ut exambiret reponi ſe injuſte in Epiſcopatum, de quo fuerat juſte depoſitus.* In which Epiſtle he cenſures *Stephen* indeed, but not for receiving *Baſilides* his appeal, or hearing his cauſe, but for judging it amiſs: yet ſome way excuſeth him alſo, as misinform'd,—*Neque enim tam culpandus eſt ille* (ſaith he) *cui negligenter obreptum eſt; quam hic execrandus, qui fraudulenter obrepſit.* But had *Stephen* had no juſt authority to judg this matter, or *reponere Baſilidem in Epiſcopatum*; *St. Cyprian* would not have accuſed him of negligence; *i. e.* in believing, without ſeeking better information, what *Baſilides* or his friends ſaid; but of uſurpation, and intruſion, and tyranny, in judging in matters no way belonging to him: But he, allowing the Weſtern Patriarchs authority over the *Gallican* Biſhops, (as appears in the laſt inſtance) could not rationally deny him the ſame over the *Spaniſh*. Therefore that which this Father ſaith before, that *Baſilides* his appeal and *Stephen's* ſentence, *ordinationem jure perfectam reſcindere non potuit*, is to be underſtood with reference to the juſtneſs of the cauſe, not of the authority. (For one may rightly be accus'd of injuſtice, either who doth a thing, and hath no juſt power to do it; or who hath a juſt power to do a thing, and hath no juſt cauſe.) And therefore the *Spaniſh* ought to ſeek a reverſion of ſuch ſentence, by preſenting to their Patriarch perfecter informations. Elſe ſurely his ſentence, who is granted to have the ſupreme authority to judg, is to ſtand; and he muſt give account thereof to God.

And yet higher; before *Cyprian's* time (about *A.D.* 200) we find (in *Euſ. Eccl. Hiſt. l.* 5. *c.* 22, *&c.*) that, in a controverſie about the celebration of *Eaſter* (whether on the Lord's day, or on the ſame day with the Jews

Jews) after many Provincial Councils (in a peaceful time of the whole Christian Church) call'd in several Countries, as well of the East (as *Ægypt*, *Palestine*,) as of the West, who all agreed with the Roman Bishop, excepting *Polycrates* Bishop of *Ephesus*, and the Bishops of *Asia minor*, who (assembled in Council, as the rest) resolv'd to continue their custom of keeping it the same day with the Jews; and in a Letter to *Rome* signified so much. We find, I say, that *Victor*, then Bishop of *Rome*, either intended, or also executed, an Excommunication upon *Polycrates* and his party, as pertinaciously retaining a *Mosaical* ceremony, which might be an introduction to more. *Executed an excommunication*; not negative (as Dr. *Field* would have it, p. 558.) by with-drawing his own communion from them; but privative and authoritative, by rejecting, and debarring, them from communion of the whole Catholick Church; (tho indeed debarring them from the Roman communion, debars them also from all others, that communicate with the Roman; for those who may not communicate with an Heretick, neither may communicate with any others, who by communicating with such Heretick, make themselves partakers of his sin). This seems to me clear, by the words of *Eusebius*. *Victor—totius Asiæ Ecclesias a communionis societate abscindere nititur, tanquam in hæresin declinantes, & literas mittit, quibus omnes simul (absque discretione)* ab Ecclesiastico fœdere segregaret.—*Extant Episcoporum literæ, quibus asperius increpant Victorem, velut inutiliter ecclesiæ commodis consulentem.* [Ecclesiæ, *i.e. universalis*]. And of *Iræneus*, who, amongst the rest, reprehended him, —*quod non recte fecerit abscindens a corporis* [*i. e. Christi*, not *Romanæ Ecclesiæ*] *unitate tot & tantas Ecclesias Dei.* And by *Polycrates* his Letter (*Euseb. l.* 5, *c.* 22.) to the Church of

of *Rome*; wherein it appears, both that he assembled his *Asian* Bishops at the Bishop of *Rome's* intimation; and that some censure had been threaten'd him from thence, upon non-conformity; to which he answers, *That it were better to obey God than men.* His words are, *Sexaginta & quinque annos ætatis gerens, — non perturbabor ex his, quæ ad terrorem proferuntur; quia & majores mei dixerunt: Obtemperare oportet Deo magis quam hominibus.* As for *Irenæus*, or other Bishops, reprehending this fact or purpose of *Victors*, it was not because he usurp'd or exercis'd an authority of Excommunication over the *Asiaticks*, not belonging to him; but that he used such authority upon no just, or sufficient, cause: namely, upon such a declination from Apostolical tradition *(vel per negligentiam, vel per imperitiam)* in so small a matter; some compliance with the *Jews*, to gain them, partly excusing such a practice. Thus a Prince, who hath lawful power to inflict punishments upon his subjects when delinquent, is reprehensible when punishing the innocent. To this of *Victor*, I may add another Excommunication, not long after this, by *Stephen* Bishop of *Rome*; either inflicted, or at least threatned, to some of the *Asian* Churches in *Cyprian's* time, that held the necessity of Rebaptization upon the Baptism of Hereticks. Concerning which, see *Euseb. Eccl. Hist. l.* 4. *c.* 46. See St. *Austin's* Epistle (162) the great care and superintendence which *Melchiades* (Bishop of *Rome* before *Sylvester* in *Constantine's* time) used over the *African* Churches in the Schism of *Donatus*; —*Qualis* (saith he) *ipsius Melchiadis ultima est perlata sententia* [*i.e.* in judging the cause of *Donatus*] *qua neque collegas* [*i.e.* the *African* Bishops] *in quibus nihil constiterat, de collegio suo* [from his Communion] *ausus est removere; & Donato solo, quem totius mali principem invenerat, maxime cul-*

culpato, sanitatis recuperandæ optionem liberam cæteris fecit; paratus communicatorias litteras mittere etiam iis, quos a Majorino [a *Donatist* Bishop] *ordinatos esse constaret; ita, ut quibuscunque in locis* [in *Africk*] *duo essent Episcopi (quos dissensio geminasset) eum confirmari vellet, qui fuisset ordinatus prior &c. alteri autem eorum plebs alia regenda provideretur. O filium Christianæ pacis! & patrem Christianæ plebis!* Thus St. *Austin* of *Melchiades* Bishop of *Rome* his ordering the *African* affairs. See the Council of *Arles* (call'd by *Constantine* before *Nice*; see in *Euseb. l.* 10. *c.* 5. his Epistle summoning the Bishop of *Syracuse* to it), in which were some Bishops from *England* (see Bishop of *Derry Vind. c.* 5. *p.* 98. *Hammond Schis.* c. 6. p. 110.) sending their Decrees to *Sylvester* then Bishop of *Rome*, and in their first Canon thus bespeaking him; *Quæ decrevimus, significamus, &c.*—*De observatione Paschæ Domini, ut uno die & tempore per omnem orbem observetur; & juxta consuetudinem literas ad omnes tu dirigas.* Now to go on in the occurrences of the fifth Age.

See the Epistles of *Leo* (Bishop of *Rome* before, and in the time of, the fourth General Council) the 53d Epistle to *Anatolius* Bishop of *Constantinople*; the 54th to the Emperor *Marcianus*; the 55th to the Empress *Pulcheria*; wherein he vindicates the derivation of his authority, not from the Imperial City, but the Apostles; and concerning that Act of the Bishops in *Conc. Chalc.* advancing the Bishop of *Constantinople* above the second Patriarch, of *Alexandria* (which he judg'd contrary to the *Nicene* Canons), he saith, (Epistle to *Pulcheria*) *Consensiones vero Episcoporum sanctorum Canonum apud Nicænum conaitorum regulis repugnantes, unita nobiscum vestræ fidei pietate, in irritum mittimus, &, per authoritatem Beati Petri Apostoli, generali prorsus definitione cassamus,* § 23. n. 8.

mus &c. His Epiſtle 84. to *Anaſtaſius* Biſhop of *Theſſalonica*: —*Sicut Prædeceſſores mei Prædeceſſoribus tuis, ita etiam ego dilectioni tuæ, priorum ſecutus exemplum, vices mei moderaminis delegavi; ut curam, quam univerſis Eccleſiis principaliter ex divina inſtitutione debemus, adjuvare, & longinquis ab Apoſtolica Sede provinciis, præſentiam quodammodo noſtræ viſitationis impenderes,* [ſee below §. 25. *n.* 13. where the ſame things are ſaid of the Biſhop of *Conſtantinople*, as here of *Theſſalonica*:] *promptum tibi agnoſcere, quid vel tuo ſtudio componeres, vel noſtro judicio reſervares.* And, in the cloſe of the Epiſtle, —*Magna diſpoſitione proviſum eſt, ne omnes ſibi omnia vendicarent; ſed eſſent in ſingulis Provinciis ſinguli, quorum inter Fratres haberetur prima ſententia,* [Metropolitans,] *& rurſus quidam in majoribus urbibus conſtituti ſolicitudinem ſuſciperent ampliorem,* [Primats, or thoſe amongſt them deputed by the Patriarch,] *per quos ad unam Petri Sedem univerſalis Eccleſiæ cura confluereret, & nihil unquam a Capite ſuo diſſideret.* This is ſpoken of the Church Univerſal. To which may be added that expreſſion of his quoted before, §. 6. *Caput orbis effecta latius præſides religione divina,* [now], *quam dominatione terrena* [formerly.] Seconded by *Proſper*, 2. *l. de vocatione Gentium.* —*Roma per Sacerdotii Principatum amplior facta eſt arce Religionis, quam ſolio Poteſtatis*: and (*lib. de Ingratis.*)

> *Sedes Roma Petri, quæ Paſtoralis honoris*
> *Facta Caput mundo; quicquid non poſſidet armis,*
> *Religione tenet*, &c.——

To the latter of theſe places Dr. *Field* (5*l.* 34. *c.* *p.* 529. *&c.*) anſwers. —"That more were ſubject to it than "ever were under the *Roman* Empire, as it had a preſi- "dency (amongſt them) of Order and Honour, not of Supreme

'preme power. To the other he ſaith: —"The care 'of the Univerſal Church is to be underſtood only in 'reſpect of things concerning the common faith, and 'general ſtate of the Church; or of the principal, moſt 'eminent, and higheſt parts and members of the ſame: '[*Be it ſo; for of ſuch only we ſpeak:*] nōne of which 'things might be proceeded-in without the Biſhop of 'Rome, and his colleagues.— So a little before, *p.* 528. he ſaith: —"All things generally concerning the whole 'Church were, either to take beginning, or (at the 'leaſt) to ſeek confirmation from the *Roman* Biſhops, 'before they were generally impoſed and preſcribed. But *Quære*, whether, if this Biſhop denied his conſent, the reſt might proceed no further without it; and whether, if he refuſed to confirm ſuch acts, they might not be at all impoſed; and whether, as the eminenteſt perſons in their differences might be judged by Him, ſo they were bound to ſubmit to his (as to their Superior's) judgment? Elſe, if he mean only, that they were firſt to ask his conſent, or judgment; but upon a denial or a diſpleaſing ſentence, might proceed to eſtabliſh things againſt it; how conſiſts this with that concluſion, —*ut nihil unquam a capite ſuo diſſideret*? To ſearch a little further, to ſee if the Dr. ſpeaks plainer. Below, in the p. 530. he ſaith: —"In caſes which concerned the 'principal Patriarchs, whether they were differences 'between them, and their Biſhops; or between them-'ſelves; the chief See, as the principal part of the whole 'Church, might interpoſe it ſelf: —So as other Patri-'archs likewiſe of the higher thrones might interpoſe 'themſelves in matters concerning Patriarchs of the 'lower thrones.— But I ask; How interpoſe? by 'judging and determining the cauſes of their inferiors? 'by excommunicating, and depoſing *&c* the perſons ob-

noxious and criminal? But then the Presidency of *Rome* will be a presidency of Power over the rest of the Church, and not of Honour only. And must not he mean some such thing by *interpose*, since in his instances there, this interposing proves to be judging, excommunicating, deposing, *&c*? and so he grants, that the ordering and setling of things of the Church of *Antioch*, the 3*d*. See, did pertain to the Patriarch of *Alexandria*, the 2*d*. See; and he goeth on, and saith: "That the 'Bishops of inferior thrones might not judge the supe-'rior; and therefore, That *John* of *Antioch* of the 3*d*. 'See is reprehended (*Act. Conc. Ephes.*) for judging *Cyril* 'Bishop of the 2*d*. See: and *Dioscorus*, Bishop of the '2*d*. See, is condemned in the Council of *Chalcedon* (in 'their *Ep. ad Martian. Imp.* and *ad Leonem Act.* 3.) for 'this thing, among others, That he presumed to judge 'the first See, [*i. e.* the Bishop thereof, *Leo*. Where note, That both *John's* and *Dioscorus* his judging was excommunicating their superior Bishops, and done not singly, but with their Council of Bishops. And again observe, That had the Eastern Bishops at *Antioch* judged or excommunicated *Julius* the Bishop of *Rome*, who communicated with *Athanasius*, they might justly have incurred the like censure. Neither could they justly say so, as they do, in their Epistle to Him, (*inter decreta Julii*, if it be not forged,) *contraria celebrabimus, & vobiscum deinceps nec congregari, nec vobis obedire—volumus, sed per nos quicquid melius elegerimus agere conabimur*; nor urge the 5. *Can.* of *Nice* against him, supposing his a superior Court.] He proceeds; "That no other 'particular Church or See may judge the Church of '*Rome*, seeing every other See is inferior to it, but that 'the See of *Rome*, i. e. the Bishops of *Rome*, and the 'Bishops of the West, may judge and examine the differ-

ences

'ences, *&c*, but neither ſo peremptorily nor finally, but 'that ſuch judgment may be reviewed, and re-examined, 'and revers'd, in a General Council. Let this be agreed-to: but I ask; Is it no power that this See hath over the reſt, becauſe this power is ſubordinated to a General Council? But if it be granted to have the ſupremeſt power next to that of a General Council, then when no General Council is in being, is it not actually *pro tempore* the ſupremeſt? and do not its determinations ſtand good, and oblige, till a General Council be aſſembled? Elſe, what will this mean which the Dr. ſaith; "The "firſt See muſt judge and examine the differences of all others, (but none it,) if, it judging and examining, none are bound to ſubmit or obey? And from this, [namely, that *the firſt may judge* i. e. excommunicate (for this is the thing which is meant by judging, above in the caſe of *John Antioch.* and *Dioſcorus Alexand.*) *inferior thrones*, not they it,] it will appear, that the excommunications of the firſt See are either authoritative and privative in reſpect of other Sees, *i. e.* rejecting them from the communion of the Church Catholick; or, if they are negative only, *i e.* withdrawing her ſelf only from the communion of others, (of which two ſorts of excommunication ſee Dr. *Field*, 5. *l.* 38. c. *p.* 558. Biſhop of *Derry's vindicat.* 8. c.) that no other Church may uſe a negative excommunication towards the firſt See, *i.e.* may not withdraw themſelves from the communion thereof; but only it may do ſo toward others. For ſome excommunication is granted here to the firſt See toward others, which others have not towards it. I ask therefore, *John Antoch.* excommunicating the ſecond See, and *Dioſcorus Alexand.* excommunicating the firſt, (diſallowed by two General Councils,) was it negative, only, by way of Chriſtian caution; or privative,

tive, and authoritative, by way of Juriſdiction? Take which you will, yet tis clear, both by the Councils, and Dr. *Field's*, conceſſion; that in ſuch manner, the ſecond or third See might not excommunicate the firſt; and that in ſuch manner, the firſt might excommunicate the ſecond or third. But indeed, it is manifeſt, That the excommunication both of *John* and *Dioſcorus* was authoritative; neither would they have preſumed ſingly to have done it, but as having a party of a Council of other Biſhops, who were not ſubject to them, joined with them. Yet thus alſo were they, by the Oecumenical Synods, cenſured, for making themſelves heads of a Council againſt their Superiors, the ſecond and firſt See. And as manifeſt it is, that the Biſhop of *Rome's* cenſures were authoritative; many times depoſing, as well as excommunicating, Biſhops not under the juriſdiction of his Patriarchy: as alſo *John Antioch:* depoſed *Cyril Alexand.* As for Dr. *Field's* very cautiouſly every where joining the Weſtern Biſhops with the Biſhops of the firſt See, in his exerciſing ſuch judgment over other Sees; he muſt either mean the Biſhops of his ordinary Council, and ſuch others, as (according to the exigent) he can conveniently adviſe with; which may be conceded to Dr. *Field*: or he muſt mean all the Biſhops of the Weſt aſſembled in a Patriarchal Council. But if ſo; their ordinary practice anciently in judging ſuch appeals and cauſes, ſhews it was otherwiſe; and reaſon tells us it could not be thus, unleſs ſo great a body could be ſo often convened, as ſuch appeals were neceſſary to be terminated. Thus much of Dr. *Field's* anſwers. Now to go on in our quotations out of *Leo.*]

See his Epiſtle to *Dioſcorus*, Biſhop of *Alexandria*. —*Quod a Patribus noſtris propenſiore cura novimus eſſe ſervatum, a vobis quoque volumus cuſtodiri, ut non paſſim diebus omnibus Sacerdotalis ordinatio celebretur, ſed—mane ipſo die Dominico. Ut in omnibus obſervantia noſtra concordet, illud quoque volumus cuſtodiri; ut cum ſolennior feſtivitas Conventum populi numeroſioris indixerit, —ſacrificii oblatio indubitanter iteretur.* Epiſtle 46. to *Anatolius* Biſhop of *Conſtantinople*, written to him about receiving ſome Biſhops and others in the Eaſt, followers of *Eutyches* and *Dioſcorus*, upon their penitence, to the peace of the Church. —*Licet ſperem dilectionem tuam ad omne opus bonum eſſe devotam; ut tamen efficacior tua fieri poſſit induſtria, neceſſarium & congruum fuit, fratres meos Lucentium Epiſcopum, & Baſilium Presbyterum (ut promiſimus) deſtinare, quibus tua dilectio ſocietur; ut nihil in his, quæ ad Univerſalis Eccleſiæ ſtatum pertinent, aut dubie agatur, aut ſegniter; cum reſidentibus vobis, quibus executionem noſtræ diſpoſitionis injunximus, ea poſſint agi cuncta moderatione* &c. —*De his autem qui in hac cauſa gravius peccavere, —ſi forte reſipiſcunt, —horum ſatisfactio—maturioribus Apoſtolicæ Sedis Conciliis reſervetur; ut examinatis omnibus* &c, *quid conſtitui debeat, æſtimetur.* And afterward, —*Si de aliquibus amplius fuerit deliberandum, celeriter ad nos relatio dirigatur, ut, pertractata qualitate cauſarum, noſtra, quid obſervari debeat, ſolicitudo conſtituat.* And ſee the Reſcript of the Emperour *Valentinian* the Third, (quoted by *Baron.* Anno 445. *inter Novel. Theod. tit.* 24.) in the time of *Leo*, a little before the Council of *Chalcedon*, ſent to *Ælius* his Vicegerent in *France*, about quieting the difference between the Archbiſhops of *Arles* and *Vienna*, after that the cauſe, upon appeal, had bin decided by *Leo* againſt *Arles*. Wherein the Emperour hath theſe words: *Cum Sedis Apoſtolicæ primatum,* § 25. n. 1.

matum, S. Petri meritum, —ſacra etiam Synodi firmarit authoritas, ne quid præter authoritatem ſedis illius inlicitum præſumptio attentare nitatur; hinc enim demum Eccleſiarum pax ubique ſervabitur, ſi Rectorem ſuum agnoſcat Univerſitas. Hæc cum hactenus inviolabiliter fuerint conſtituta; Hilarius —contumaci auſu &c. *—His talibus—per ordinem religioſi viri urbis Romæ cognitione diſcuſſis, certa in eundem Hilarium—lata ſententia eſt. Et erat ipſa quidem ſententia per Gallias, etiam ſine Imperiali ſanctione valitura. —Sed noſtram quoque præceptionem hæc ratio provocavit, ne ulterius — cuiquam Eccleſiaſticis rebus arma miſcere* [as it ſeems *Hilarius*, or ſome in his behalf, had done,] *aut Præceptis Romani Pontificis liceat obviare. —Omnibus pro lege ſit, quicquid ſanxerit Apoſtolicæ Sedis authoritas: ita ut quiſquis Epiſcoporum, ad judicium Romani Antiſtitis evocatus, venire neglexerit, per Moderatorem ejuſdem Provinciæ adeſſe cogatur; per omnia ſervatis, quæ Divi Parentes noſtri Romanæ Eccleſiæ detulerunt.* —And the like orders had bin made by Emperours formerly, it ſeems, by that rigorous power uſed in *Africk* by the executors of the Biſhop of *Rome's* orders there, of which (as you have read before § 12.) the *African* Biſhops ſo much complained.

§ 25. *n.* 2. See the Epiſtle of the 4*th.* G. Council at *Chalcedon* (the moſt numerous, I think, of any Council which the Church hath had) to the ſame *Leo* Biſhop of *Rome*, in which are theſe expreſſions. *—Quam* [*fidem*] *velut auro textam ſeriem ex veſte Chriſti & præcepto Legiſlatoris venientem uſque ad nos ipſe* [*Leo*] *ſervaſti, vocis Beati Petri omnibus conſtitutus Interpres, ejus fidei beatificationem ſuper omnes adducens.—Quibus* [*i. e. Epiſcopis congregatis in Concilio*] *Tu quidem, ſicut membris caput, præeras,*

præeras, in his, qui tuum tenebant ordinem, benevolentiam præferens, &c. —*In vineam irruens* [*i.e. Dioscorus* Bishop of *Alexandria*, a supporter of *Eutyches*] *quam optime repperit plantatam, evertit*—*& post hæc omnia insuper & contra ipsum, cui vineæ custodia a Salvatore commissa est, extendit insaniam, id est contra tuam quoque Apostolicam sanctitatem; & excommunicatione meditatus est contra te, qui corpus Ecclesiæ unire festinas.*—*Hæc* [*i.e.* the Honours they conferr'd on the See of *Constantinople*] *velut a tua sanctitate fuerint inchoata,* —*roboravimus, præsumentes; dum noverimus, quia quicquid rectitudinis a filiis fit* [alluding to themselves] *ad Patres recurrit* [alluding to *Leo*] *facientes hoc proprium sibi* [*i. e.* appropriating their Children's actions to themselves]. *Rogamus igitur, & tuis decretis nostrum honora judicium: & sicut nos cupidi in bonis adjecimus consonantiam, sic & summitas tua filiis (quod decet) adimpleat. Sic enim & pii Principes* [the Emperor *&c.* very desirous of the advancement of the See *Constantinopolitan*] *complacebunt* [will be well pleased] *qui, tanquam legem, tuæ sanctitatis judicium firmaverunt; & Constantinopolitanæ sedes suscipiet præmium, quæ omne semper studium vobis, ad causam pietatis explevit, &c.*—*Eutychen pro impietate damnatum suæ tyrannidis decretis innoxium statuit* [*i.e. Dioscorus*, who by a party in the second *Ephesine* Council restor'd *Eutyches*, who was a *Constantinopolitan* Presbyter, and an *Archimandrita*, Abbot of the Monks there, to his former degree and dignities] *& dignitatem, quæ a vestra illi oblata fuerat sanctitate, (quippe ut ab eo, qui hac gratia fuerit indignus) ille restituit*]. Where know; that *Eutyches*, depos'd by *Flavianus* Bishop of *Constantinople* in a Synod there, appeal'd (or pretended it) to the Bishop of *Rome*; to whom also the Emperor sent Letters in his behalf; which Bishop of *Rome* also, after the business known, ratified

ratified his depoſition. Concerning which appeal of this Presbyter (where it appears, that, in matters of Faith, and of great conſequence, the cauſes of Presbyters and inferior Clergy might be brought to the examination and ſentence of the chief Patriarch) *Leo* having (by a miſcarriage) receiv'd as yet no Letters from the Biſhop of *Conſtantinople*, writes thus unto him; *Epiſt.* 8.——*Accepimus libellum Eutychetis Presbyteri, qui ſe queritur --immerito communione privatum, maxime cum -libellum appellationis ſuæ ſe aſſerat obtuliſſe; nec tamen fuiſſe ſuſceptum:——Quibus rebus intercedentibus, necdum agnoſcimus, qua juſta a communione Eccleſiæ fuerit ſeparatus. Sed reſpicientes ad cauſam, facti tui noſſe volumus rationem, & uſque ad noſtram notitiam cuncta deferri; quoniam nos nihil poſſumus, incognitis rebus, in cujuſquam partis præjudicium definire, priuſquam univerſa, quæ geſta ſunt, veraciter audiamus*]. Thus *Leo* to the Biſhop of *Conſtantinople*. To return to the Epiſtle of *Conc. Chalc.* In the ſame 'tis ſaid,—*Epiſcopis vitam ſinientibus, multæ turbæ naſcuntur abſque rectore &c.* [therefore they ſay they gave ſome power to the *Conſtantinopolitan* Biſhop for the ordering and ſetling them]—*Quod nec veſtram latuit ſanctitatem, quum maxime propter Epheſios, unde quidam vobis ſæpius importuni fuerunt.* *Leo* therefore exercis'd ſome authority over the Church of *Epheſus*. Again; *Conſidentes, quia lucente apud vos Apoſtolico radio, & uſque ad Conſtantinopolitanorum Eccleſiam, conſuete gubernando, illum ſpargentes, hunc ſæpius expanditis, eo quod abſque invidia conſueveritis virorum honorum participatione ditare domeſticos.* Where they ſay, the *Roman* Biſhop dilated his beams to the governing of the Church of *Conſtantinople*. And ſee their Epiſtle likewiſe to the Emperor;--*Velut ſignaculum ſacræ doctrinæ, Concilii hujus a vobis* [the Emperor] *congregati predicationem, Petri*

tri ſedis authoritate, roborantes. But yet, tho thus courted by them, in his anſwer to that Council, *Epiſt.* 59. he approv'd not the preferment of the Biſhop of *Conſtantinople* before *Alexandria*. —*Quantumlibet extortis aſſentationibus ſeſe inſtruat vanitatis elatio* [*i. e.* of the *Conſtantinopolitan* Biſhop] *& appetitus ſuos Conciliorum æſtimet nomine roborandos, infirmum atque irritum erit quicquid a prædictorum Patrum* [*i. e.* Nicene] *canonibus diſcreparit. Quorum regulis Apoſtolica ſedes, quam reverenter utatur ſcriptorum meorum, &c. poterit ſanctitas veſtra lectione cognoſcere; & me, auxiliante Domino, & catholicæ fidei, & paternarum traditionum eſſe cuſtodem.*

See *Evagrius Eccl. Hiſt. l* 3. *c.* 18, 20, 21. And the Epiſtle of *Felix* Biſhop of *Rome* A. D. 484, to *Acatius* Biſhop of *Conſtantinople*; where we find *Felix* appeal'd, and complain'd-to, by *John* the wrong'd Biſhop of *Alexandria*; and (being aſſiſted with a Council of Forty-two Weſtern Biſhops) excommunicating *Peter*, who then unjuſtly poſſeſs'd the Patriarchy of *Alexandria*; as being an *Eutychian* alſo, and not ſubmitting to the Council of *Chalcedon* (ſee *Evagrius l.* 3. *c.* 21.) and excommunicating *Acatius* alſo, Biſhop of *Conſtantinople* (after he had firſt cited him to *Rome*, and alſo written to the Emperor *Zeno*, to compel him to appear, upon the complaints of *John Alexand. rationem de rebus, quas Johannes ei objectaſſet, redditurus*, as *Evagrius* hath it) for his communicating with *Peter* a condemn'd Heretick, and many other crimes. See his Epiſtle; at the end of which the form of his Condemnation runs thus: *Sacerdotali honore & communione Catholica* [not only *Romana*] *nec non etiam a fidelium numero ſegregatus ſublatum tibi nomen & munus miniſterii ſacerdotalis agnoſce: ſancti Spiritus judicio, & Apoſtolica, per nos, authoritate* damna- § 25. *n.* 3.

damnatus. Which proceeding of *Felix* being much dislik'd by ſome in the Eaſt, becauſe a Synod was not ſpecially ſummon'd for the purpoſe, eſpecially ſeeing he was Biſhop of the Princely City; ſee *Gelaſius*, the ſucceſſor to *Felix*, A. D. 494. his vindication of this act of the Apoſtolick See without a Council (at leaſt an Oecumenial one) in his Epiſtle *ad Epiſcopos Dardaniæ*, an Eaſtern Province not far from *Conſtantinople*: which Epiſtle is worth the reading over, the rather, becauſe ſome places being urg'd out of it by *Bellarmin*, Dr. *Field*, in his anſwer to them, hath theſe words: "Truly there 'cannot be any better proof againſt the pretended Supremacy of the Popes, than this Epiſtle. In this Epiſtle then *Gelaſius* pleads thus:—*Sabellium damnavit Synodus: nec fuit neceſſe, ut ejus ſectatores poſtea damnarentur, ſingulas* viritim *Synodos celebrari: ſed, pro tenore conſtitutionis antiquæ, cunctos qui vel pravitatis illius,* vel communionis, *extitere participes, univerſalis Eccleſia* [*i. e.* in a Council] *dixit eſſe refutandos.—Confidimus, quod nullus jam veraciter Chriſtianus ignoret, uniuscujuſque Synodi conſtitutum (quod univerſalis Eccleſiæ probavit aſſenſus) nullam magis exequi ſedem præ ceteris oportere, quam primam, quæ & unamquamque Synodum ſua authoritate confirmat, & continuata moderatione cuſtodit; pro ſuo ſcil. Principatu, quem* Beatus *Petrus Apoſtolus Domini voce perceptum* [I ſuppoſe it ſhould be *percepit*] *Eccleſia nihilominus ſubſequens & tenuit ſemper & tenebit. Hæc* [*i. e. Sedes Apoſtolica*] *dum Acacium certis comperiſſet indiciis a veritate Apoſtolica deviaſſe, diutius iſta non credens, quippe quem noverat* executorem ſæpe neceſſariæ diſpenſationis ſuæ [*i. e. Sedis Apoſtolicæ*] *per triennium fere monere non deſtitit, &c. cur tanto tempore, dum iſta gererentur—non ad ſedem Apoſtolicam,* a qua ſibi curam iſtarum regionum noverat delegatum, *referre curavit* [*i. e. Acatius*]? —*Tandem aliquando*

quando missis literis profitetur [Acatius] *se Alexandrino Petro,* quem, expetita Apostolicæ sedis authoritate, executor ipse *quoque damnaverat, absque sedis Apostolicæ notitia, communione permixtum. Beati autem Petri sedes, ne per Acacium in Petri consortium duceretur, ipsum quoque a sua communione submovit, & multis modis transgressorum a sua societate fecit alienum.—Quo tenore Timotheus etiam atque ipse Alexandrinus Petrus, qui secundam sedem tenuisse videbantur, non repetita Synodo, tantummodo sedis Apostolicæ, ipso quoque* Acacio *postulante, vel exequente, probantur esse damnati. —Nec plane tacemus, quod cuncta per mundum novit Ecclesia, quoniam quorumlibet sententiis ligata Pontificum sedes B. Petri Apostoli jus habeat resolvendi, utpote quæ de omni Ecclesia fas habeat judicandi, neque cuiquam de ejus liceat judicare judicio: siquidem ad Illam de qualibet mundi parte canones appellare* [aliquem] *voluerunt, ab illa autem nemo sit appellare permissus.—Sed nec illa præterimus, quod Apostolicæ sedi frequenter datum* [or *dictum*] *est, ut more majorum, etiam sine ulla Synodo precedente & solvendi, quod Synodus iniquè damnaverat, & damnandi, nulla existente Synodo, quos oportuit, habuerit potestatem. Sanctæ memoriæ nihilo minus Johannem Constantinopolitanum* [*i. e.* Chrysostomum] *Synodus etiam Catholicorum Præsulum certe damnaverat, quem simili modo sedes Apostolica etiam sola, quia non consensit, absolvit. Itemque S. Flavianum Pontificem Græcorum congregatione damnatum pari tenore, quoniam sola Apostolica sedes non consensit, absolvit, potius quam, qui illic receptus fuerat. Dioscorum secundæ Sedis præsulem sua authoritate damnavit; & impiam Synodum* [*i.e.* sec. Ephes.] *non consentiendo summovit sola: & authoritate, ut Synodus Chalcedonensis fieret, sola decrevit.—Ponamus tamen, etiam si nulla Synodus præcessisset, cujus Apost. sedes recte fieret excquutrix, cum quibus erat de Acacio Sy-*

nodus ineunda? Nunquid cum his, qui jam participes tenebantur Acacii, & per Orientem totum (Catholicis ſacerdotibus [ſuch he calls thoſe who adher'd to the Council of *Chalcedon*] *violenter excluſis, & per exilia diverſa relegatis) ſocii evidenter exiſtentes communionis externæ* [*i.e. extra Eccleſiam Catholicam*] *prius ſe ad hæc conſortia transferrent, quam ſedis Apoſtolicæ ſcita conſulerent?—Concilio nec opus erat poſt primam Synodum, nec talibus habere licebat.—Quæ congregatio facta Pontificum* [*i.e. in Italia Occidentalium*] *non contra Chalcedonenſem, non tanquam nova Synodus contra veterem primamque, convenit; ſed potius ſecundum tenorem veteris conſtituti, particeps Apoſtolicæ exequutionis effecta eſt; ut ſatis appareat, Eccleſiam Catholicam, ſedemque Apoſtolicam, quia alibi jam omnino non poſſet, ubi potuit & cum quibus potuit, nihil penitus omiſiſſe, quod ad fraternum pertineret pro intemerata fide & ſincera communione tractatum.*—]— In this Epiſtle (amongſt others) two things muſt not be paſſed by unobſerv'd: 1. One; That he contends, he ought not to call to a Council Biſhops condemn'd by, and profeſſedly oppoſing, a former General Council; which being granted, Councils may be rightly call'd General, when they conſiſt not of all, but only of all Catholick Churches. 2. The other; That in the final ſentencing and determining of greater perſons and cauſes in the Eaſtern Church, the Biſhop of *Conſtantinople* was employ'd only from him, and as his Delegate. —See the Epiſtle of *Pelagius* the 2d. (Biſhop of *Rome* A.D. 580.)—*Univerſis Epiſcopis, qui illicita vocatione Johannis Conſtantinopolitani Epiſcopi, ad Conſtantinopolim convenerunt.* Wherein he vindicates the authority of the *Roman* See againſt *John*, aſſembling a Council there without his conſent and leave: and calling himſelf Univerſal Biſhop (ſeeking to exalt himſelf above *Rome*, probably from the ſupreme dignity

dignity and great flouriſhing of that Imperial City in thoſe time; in which times alſo the poor City of *Rome* laboured under great afflictions and deſolations by the *Goths*, *Longobards*, &c. [whereof *Gregory* writing to the Empreſs (*4. l. Ep. 34.*) ſaith, *Viginti autem jam & ſeptem annos ducimus, quod in hac urbe inter Longobardorum gladios vivimus,*] and from the Emperour *Mauritius* his countenancing him in it. Out of which Epiſtle ſome words are quoted by S. *Gregory* his Succeſſor, (*4. l. Ep. 36.*)

§ 26. *A Digreſſion concerning the title of* Univerſalis Epiſcopus *aſſumed by the Conſtantinopolitan, and declined by the Roman, Biſhops.*

Now in the forenamed Epiſtle of *Pelagius*, as he hath theſe paſſages: *Univerſalitatis quoque nomen, quod ſibi illicite uſurpavit*, [i.e. Joannes Conſtant.] *nolite attendere* &c. *Nullus enim Patriarcharum hoc tam profano vocabulo unquam utatur; quia ſi ſummus Patriarcha* [tho it were the Patriarch of *Rome*] *Univerſalis dicitur, Patriarcharum nomen cæteris derogatur. Sed abſit hoc, abſit,* &c. —*Jactantiam tantam ſumpſit* [i.e. Johannes Conſtant.] *ita ut univerſa ſibi tentet aſcribere, & omnia quæ ſoli unicapiti cohærent, (videlicet Chriſto,) per electionem Pompatici ſermonis* [i.e. Univerſalis] *ejuſdem Chriſti ſibi ſtudeat membra ſubjugare. —Si enim dici hoc licenter permittitur, honor Patriarcharum omnium negatur; & fortaſſe is in errore perit, qui Univerſalis dicitur, & nullus jam Epiſcopus in ſtatu veritatis invenitur.* I ſay, as he hath theſe paſſages, for which he is quoted by the Reformed, as making much againſt the power, which the Biſhops of the *Roman* See claim; ſo hath he other (as it were an Antidote) in the very ſame Epiſtle, wherein he eſtabliſheth clearly that authority of the *Roman* Biſhop, which they oppoſe. Whence it follows; either that theſe places are urged by the Reformed in a miſtaken ſence, or that he palpably contradicts himſelf, and

and that with the ſame breath, as it were. Thus therefore ſaith he in the ſame Epiſtle: —*Relatum eſt ergo ad Apoſtolicam Sedem Johannem—vos ex hac ſua præſumptione ad Synodum convocare Generalem; cum Generalium Synodorum convocandi authoritas Apoſtolicæ Sedi B. Petri ſingulari privilegio ſit tradita, & nulla unquam Synodus rata legatur, quæ Apoſtolica authoritate non fuit fulta. Quapropter quicquid in prædicto veſtro Conventiculo—ſtatuiſtis, ex authoritate S. Petri Apoſtolorum Principis & Domini Salvatoris voce, qua B. Petro poteſtatem ligandi atque ſolvendi ipſe Salvator dedit, quæ etiam poteſtas in Succeſſoribus ejus indubitanter tranſivit, Præcipio, omnia quæ ibi ſtatuiſtis, & vana, & caſſata eſſe. —Multis denuo Apoſtolicis, & Canonicis, atque Eccleſiaſticis inſtruimur regulis, non debere abſque ſententia Romani Pontificis Concilia celebrari. —Orate Fratres, ut honor Eccleſiaſticus noſtris diebus non evacuetur; nec unquam Romana Sedes, quod (inſtituente Domino) Caput eſt omnium Eccleſiarum, Privilegiis ſuis uſquam careat, aut exſpolietur. —Hæc (Fratres) valde cavenda ſunt, & præcepta Domini, atque ſanctæ Sedis Apoſtolicæ, quæ vice Domini Salvatoris legatione fungitur, monita fideliter amplectenda & peragenda.* Laſtly, being conſulted by them concerning the ſubordinate judgments of the Church, he writes thus: —*Non oportet ut degradetur, vel dehonoretur unaquæque Provincia, ſed apud ſemetipſam habeat judices* [i.e. for its judges] *Sacerdotes & Epiſcopos ſingulos, viz. juxta ordines ſuos; & quicunque cauſam habuerit a ſuis judicibus judicetur, & non ab alienis; id eſt, a ſuæ juſtis judicibus Provinciæ, & non ab exteris; qui ſi (ut jam prælibatum eſt) a judicandis fuerit appellatum. Si vero—inter ipſius Provinciæ Epiſcopos diſcrepare cœperit ratio &c, ad majorem tunc Sedem referantur.* [As to the *Conſtantinopolitan* or *Antioch.*] *Et ſi illæ facile & juſte non diſcernuntur,* [i.e. which is the *major Sedes* in reſpect of

of that Province,] *ubi fuerit Synodus regulariter congregatu, Canonice & juſte judicentur. Majores vero & difficiles quæſtiones (ut ſancta Synodus ſtatuit, & beata conſuetudo exigit) ad Sedem Apoſtolicam ſemper referantur.* Whereby you ſee, that the firſt See of *Rome* intereſſed her ſelf not in all, but the higheſt and difficulteſt matters of controverſie, where former judgments were ununanimous, or were appealed from. Likewiſe, by the former paſſages tis plain, that *Pelagius* challengeth that Supremacy to the *Roman* See, which is denied by Proteſtants; and alloweth the term of *Summus Patriarcha*, as *Summus* implies ſome power and juriſdiction over all the reſt, whereby they become ſubordinate; but not of *Univerſalis Patriarcha*, as *Univerſalis* implies, that there can be none beſides, (for that only is *univerſale, extra quod nihil*) and is a term whereby all the reſt are degraded. And in this ſence alſo afterward *Gregory*, *Pelagius* his Succeſſor, arguing againſt the ſame *John Conſtant.* took the ſame word, when he ſaith, *Ep.* 34. *Conſtant. Auguſtæ.* —*Deſpectis omnibus prædictus Frater & Coepiſcopus meus, ſolus conatur appellari Epiſcopus.* (See the ſame again *Ep.* 38. *Johanni Epiſcopo Conſtant.*) And *Ep.* 32. —*Univerſa Eccleſia cum ſtatu ſuo corruit, quando is, qui appellatur Univerſalis, cadit.*— But neither *Gregory* nor *Pelagius* denied it (at leaſt as applied to the *Roman* Biſhop) in that ſenſe, in which the Reformed urge it; *i.e.* as it implies a Supreme power in ſome one Biſhop over all the reſt; and as it intimates, not, *præter quem nemo ſit*, but, *qui, remanentibus partibus integris, ipſe cæteris ſupereminеat*, (as *Baronius* hath it). Since in the ſame place, where they deny the one, as it were with the ſame breath they maintain the other; and ſince in that ſenſe this Title was ſometimes given to the *Roman* Biſhops, tho *Pelagius* and *Gregory* do not like the name,

name, becauſe ſo eaſily interpretable in a ſenſe not juſtifiable; or rather jealous that the *Conſtantinopolitan* Biſhop, as preſiding in the Imperial City, in uſing that word, unjuſtly ſought to undermine them in their Primacy, (at leaſt for the Eaſtern parts of the Church); they extend the ſenſe of the word to its whole latitude, and further than, in all probability, he meant it, to make it be the ſooner laid aſide. But not long after, within two or three years of *Gregory*'s death, by the Emperour *Phocas* (offended with *Cyriacus* the then Patriarch of *Conſtantinople*) as this title was taken from *the Conſtantinopolitan*, ſo was it inoffenſively applied to the *Roman*, See: (Yet without the attribution or acceſs of any authority to that See, which cannot be ſhewed to have bin formerly practiſed by it,) as alſo this title had bin aforetime in the Council of *Chalcedon* given that Biſhop, without any contradiction of thoſe Fathers. See *Concil. Chalced. Act.* 3. Thus much concerning the Title of *Oecumenicus*, or *Univerſalis*.

§. 27. In the laſt place; for the anciently-great authority of the *Roman* Biſhop, ſee the Epiſtles of *Gregory* the Great: who, tho with *Pelagius* his Predeceſſors he much diſrelliſhed the name of *Univerſal* Biſhop or Paſtor, yet it appears out of theſe, that he both claimed and exerciſed ſuch an univerſal ſuperiority and juriſdiction over other both Biſhops and Patriarchs, as the Reformed will by no means approve. and (as we may gather by his words, 4. *l.* 37. *Ep.*) thought a vindication of his juſt authority well conſiſtent with true humility. There he ſaith; —*Dum Prædicator egregius dicat*, Miniſterium meum honorificabo, (*Rom.* 11. 13.) *qui rurſus alius dicens*, —facti ſumus parvuli in medio veſtrum, (1 *Theſ.* 2. 7.) *exemplum proculdubio nobis ſe ſequentibus oſtendit*;

ostendit; ut & humilitatem teneamus in mente, & tamen ordinis nostri dignitatem servemus in honore: quatenus nec in nobis humilitas timida, nec erectio sit superba. This premised, see what follows in the same Epistle: —*Johannes Constantinopolitanus in Constantinopolitana urbe— Synodum fecit, in qua se Universalem appellare conatus est; quod mox idem Decessor meus* [*i.e.* Pelagius] *ut agnovit, directis literis, ex authoritate Sancti Petri Apostoli, ejusdem Synodi acta cassavit.* —*Cujus ego quoque sententiam sequens, similia prædicto consacerdoti nostro scripta transmisi.* And 2. *l.* 10. *Indict.* 37. *Ep. Episcopo Salonitano*, [an *African* Bishop:] —*Quod autem vos fatemini Ecclesiasticos ordines ignorare non posse— valde contristor, quia cum rerum ordinem scitis, in me (quod pejus est) sciendo deliquistis. Postquam enim ad Beatitudinem vestram, & Decessoris mei & mea, in causa Honorati Archidiaconi, scripta directa sunt, tunc contempta utriusque sententia, præfatus Honoratus proprio gradu privatus est.* [Whose cause, tho only an Archdeacon, upon appeal *Gregory* having heard, cleared him, and ordered him to be restored to his place.] *Quod si quilibet ex quatuor Patriarchis fecisset, sine gravissimo scandalo, tanta contumacia transire nullo modo potuisset. Tamen postquam fraternitas vestra ad suum ordinem rediit, nec ego meæ, nec decessoris mei injuriæ memor sum.* [By which it seems *Gregory*'s orders at last were obeyed.] And 2. *l. Indict.* 11. *Ep.* 32. to the same Archdeacon *Honoratus*, he writes thus. —*A cunctis tibi objectis capitulis te plenius absolventes, in tui te ordinis gradu sine aliqua volumus alteratione permanere, ut nihil tibi penitus mota a præfato viro* [*i.e.* Episcopo *Salonitano*] *quæstio qualibet occasione præjudicet.*— 11. *l. Ep.* 42. *Episcopo Panormitano*, [in *Sicily.*] —*Illud autem admonemus, ut Apostolicæ Sedis reverentia nullius præsumptione turbetur; tunc enim status membrorum integer manet, si*

caput fidei [this must needs be *Apostolicam sedem*] *nulla pulset injuria, & canonum manet incolumis authoritas.— l. 7. epist. 64. Episcopo Syracusano——Nam quod se dicit* [*i. e. Primas Byzancenus*, an *African* Primate, of whom *Gregory* saith a little before, that *in quodam crimine accusatum, piissimus Imperator eum, juxta statuta canonica, per nos voluit judicari*] *Sedi Apostolicæ subjici; si qua culpa in Episcopis invenitur, nescio quis ei Episcopus subjectus non sit; cum vero culpa non exigit, omnes secundum rationem humilitatis æquales sunt.*

§ 28 [*Nescio quis ei Episcopus subjectus non sit*: *i.e.* saith Dr. *Field* (*l.* 5. *c.* 34. *p.* 534.) of those Bishops only within his own Patriarchship, alledging *Greg. Epist.* 54, 11; where *Gregory* quotes, and seems to acquiesce in, the the Emperor *Justinian*'s Constitution, *Novel.* 123. *c.* 22. *Si autem & a Clerico aut Laico quocunque aditio contra Episcopum fiat, propter quamlibet causam, apud sanctissimum ejus Metropolitanum secundum sanctas regulas & nostras leges causa judicetur. Et si quis judicatis contradixerit ad beatissimum Archiepiscopum & Patriarcham referatur causa, & Ille secundum canones & leges huic præbeat finem,* [I may add out of the *Nov.* it self], *nulla parte ejus sententiæ contradicere valente.* Whence, thus much is yeilded to Dr. *Field*; That the Bishops of his own Patriarchy have some subjection to the Bishop of *Rome*, and his Courts, as he bears the Office of a Patriarch over them, which others of another Patriarchate have not. And therefore we see his Letters, most frequently directed to the Bishops, and negotiating the affairs Ecclesiastical, within this Circuit; which Bishops (as the Doctor rightly notes) he calls *Episcopos suos l.* 4. *c.* 34. To the Empress [*sed ut Episcopi mei me despiciant, &c. id peccatis meis deputo.*] But yet this I suppose is yeilded by the

the Doctor (see before § 20.) that both the Bishops of other Patriarchies, and the Patriarchs themselves, in some cases also (but not in all wherein the rest) were subjected to the judgment and sentence of the first See. And in such sense might he say; *Nescio quis Episcopus &c.* As for the place of *Gregory* and the Imperial Constitution urg'd:

First, concerning *Gregory* observe, that he writ this to the Emperor's Prefect, in the behalf of one *Stephanus* a Bishop, *qui invitus ad judicium trahebatur; & qui ab Episcopis alieni Concilii* [*i.e.* who were not his proper Superiors, but of a distinct Province from him] *quos habebat suspectos, judicabatur.* In his behalf therefore *Gregory* quotes this Imperial Constitution; where *Patriarcha præbeat finem* is oppos'd by *Gregory* (as likewise by *Justinian*) to *Episcopi alieni Concilii*, or also to any Civil Judges medling therein: who (according to *Novell.* 123. *c.* 21.) might not hear Ecclesiastical Causes at all. [the words are these, *Si autem Ecclesiastica causa est, nullam communionem habeant judices civiles circa talem examinationem, sed sanctissimus Episcopus secundum sacras regulas causæ finem imponat.* To which effect see the Constitution quoted in the beginning of *Gregory's* Epistle [*Si quis contra aliquem Clericum*, &c.] After which Constitution urg'd, *Gregory* goes on thus; *Contra hæc si dictum fuerit, quia nec Metropolitanum habuit, nec Patriarcham* [take Patriarch here in what sense you please] *dicendum est, quia a Sede Apostolica, quæ omnium Ecclesiarum caput est,* [this is his reason for it] *causa hæc audienda ac dirimenda fuerat, sicut & prædictus Episcopus petiisse dignoscitur, qui Episcopos alieni Concilii judices habuit omnino suspectos.*

Secondly, For the Imperial Constitutions of *Justinian*, they, so far as they concern Ecclesiastical matters,

are only Ratifications of the Church's Canons, and no way oppoſite to them; who every where commands proceedings and judgments to be made *ſecundum ſacras regulas*, and in the beginning of his *Codex*, to ſhew his ſubmiſſion in theſe things to the Church (*tit.* 1. *l.* 8.) writes thus to the Pope in particular; *Nec enim patiemur quicquid, quod ad Eccleſiarum ſtatum pertinet, quamvis manifeſtum & indubitatum ſit quod movetur, ut non etiam veſtræ innoteſcat ſanctitati, quæ caput eſt omnium ſanctarum Eccleſiarum.* To whom alſo when the Emperor ſent his Creed, *Agapetus* the Pope anſwer'd *Firmamus*, &c. *non quia Laicis authoritatem prædicationis admittimus, ſed quia ſtudium fidei veſtræ patrum noſtrorum regulis conveniens confirmamus atque roboramus.* (*Agapet. Ep.* 6.) Now if you examine thoſe Conſtitutions (*Novell.* 123. *c.* 22.) they are only theſe: That two Biſhops, *ejuſdem Concilii*, under the ſame Metropolitan, being at variance, are referr'd to the judgment of their Metropolitan and the Council Provincial. If this refuſed; then to that of the *Patriarcha Diœceſeos illius, nulla parte ejus ſententiæ contradicere valente.* The ſame courſe is appointed, if a Clergy-man have any thing againſt his Biſhop; or Biſhop, or inferior Clergy-man, againſt his Metropolitan: But in the differences between a Biſhop and his Patriarch, or alſo between two Patriarchs, he ordereth nothing. Now what thing is there, in all this, prejudicial to the formerly-aſſerted authority of the *Roman* Biſhop? For (1.) by theſe within the compaſs of his own Patriarchate he is the ſupreme and final Judg, upon all Appeals, as well of other Clergy, as of Biſhops; and (2.) ſo is he alſo of all other Biſhops and Metropolitans, whoſoever are not ſubjected to any other Patriarch; and (3.) alſo in other Patriarchates, where greater conteſts happen between them and their Biſhops,

or

or with one another; here also he interests his power (see before § 20. and 26.) for any thing in these Imperial decrees expressed to the contrary. Nay further, (4.) he, as *Caput omnium sanctarum Ecclesiarum* (to use *Justinian*'s stile) where he judgeth other Patriarchs to neglect their duty, or sees them overborn in heresy, or other matters of great concernment, for the peace and safety of the Church; he, I say, as appears by many instances above, hath exercised authority also over the inferior Clergy of other Patriarchats. as he did in the degradation of *Eutyches* a *Constantinopolitan* Prerbyter, (see before § 25. *n.* 2.) an act approved by the same Council of *Chalcedon*, that in their 9*th*. Canon referred the final decision of the ordinary controversies of any Province to their own Bishops, or Patriarch.

§ 29. Pardon this Digression: Now to go on with the observations out of *Gregory*'s writings.] 5. *l.* 24. *Ep.* where the Bishop of *Ravenna* telling S. *Gregory*, that some said he had no Canonical authority to judge the difference between the said Bishop of *Ravenna*, and a certain Abbot who had appealed to *Gregory*: he saith, —*Nunquid non ipse nosti, quia in causa, quæ a Johanne Presbytero contra Johannem Constantinopolitanum fratrem & coepiscopum nostrum orta est, secundum Canones ad Sedem Apostolicam recurrit, & nostra est sententia definita. Si ergo de illa Civitate, ubi Princeps est*, [i. e. *Constantinople*, where the Emperour then resided] *ad nostram causa cognitionem deducta est, quanto magis negotium quod contra nos est* [done within our own Patriarchat against our authority,] *hic est, veritate cognita, terminandum.*——

See Ep. 63. to the same *Sicilian* Bishop: where answering to some objecting, *Quomodo Ecclesiam Constantinopolitanam disposuit comprimere* [i.e. *Gregory*,] *qui ejus con-*

consuetudines [i.e. *in ordinatione Missæ*] *per omnia sequitur*? he, denying that the Church of *Rome* followed the customs of the *Greeks*, replies thus: —*Unde habent* [i.e. Græci] *ergo hodie, ut Subdiaconi lineis in tunicis procedant, nisi quia hoc a Matre sua Romana Ecclesia perceperunt?* And, —*Nam de Constantinopolitana Ecclesia, quod dicunt; Quis eam dubitet Sedi Apostolicæ esse subiectam, quod & Dominus piissimus Imperator, & frater noster Eusebius* [I conceive it should be *Cyriacus*, who, at the first especially, was very compliant with *Rome*, (see *Greg. Ep. 6. l. 31. Ep. & 28. Ep.*) for there was no *Eusebius* Bishop of *Constantinople* in *Gregory*'s time,] *ejusdem Civitatis Episcopus, assidue profitentur.* And see (10 *l.* 31. Epistle) the form of submission (taken by *Gregory*'s Substitutes) of those who return'd to the unity of the Church, from the Schism which maintained the *tria Capitula* of the Council of *Chalcedon*, which were condemned in the 5*th* General Council. which submission was, —*Promitto tibi, & per te Sancto Petro Apostolorum Principi, atq; ejus Vicario, Beatissimo Gregorio, —semper me in unitate Sanctæ Ecclesiæ Catholicæ, & communione Romani Pontificis per omnia permansurum.*—

§ 30.

A Digression concerning the Patriarchship of Ravenna *and* Justiniana 1a *urged by Dr.* Hammond.

And because Dr. *Hammond* (*schism 6.* c. p. 115. and 5. c. 8. §.) quotes, and much stands upon, the Patriarchship of *Ravenna* erected to this dignity (as he saith) by the Emperour *Valentinian*, and of *Justiniana* 1a, and of *Carthage* erected by the Emperour *Justinian*; the one being his native soil, the other recovered by him from the *Vandals*; erected, as utterly independent on the *Roman* Patriarch, (tho Dr. *Field* grants all these places to have bin contained under his Patriarchy, 3 8. *c. p.* 560.) and this without any contradiction from the said Patriarch; upon which instances chiefly he there builds

this

this position, [*That it is, and hath always bin in the power of Christian Emperors and Princes, within their Dominions to erect, or translate Patriarchates*]: I will also set you down some passages in these Epistles of *Gregory*, (one who lived after, and not long after, these Emperours,) which shew these Primats to have had still dependance (as others) on the *Roman* See; and, either not to have had conferr'd on them at all, or at least not to have enjoyed, with that Church's consent, those priviledges he pretends. 1. For the Bishop of *Ravenna*, see *Gregory*'s Epistle (2. *l.* 54. *Ep.*) to *John* 3d. Bishop of *Ravenna*, (the same that, as Dr. *Hammond* saith (*Answ. to* S. *disarm'd*, p. 156.) stood much upon his special rights in opposition to the *Roman* See,) where, *Gregory* reprehending him for an unseasonable using of the Pall, hath these words: —*Quod bene hanc consuetudinem generalis Ecclesiæ* [contrary to what he used] *noveritis, vestris nobis manifestissime significastis Epistolis; quibus Præceptum beatæ memoriæ Decessoris nostri Johannis Papæ nobis subditis, transmisistis annexum, continens omnes consuetudines ex privilegio Prædecessorum nostrorum concessas vobis Ecclesiæque vestræ, debere servari.* [The Priviledges of *Ravenna* therefore, whatever they were, are, in this contest, pretended by the Bishop thereof, to be received (not from the Emperour, or not from him singly, but) from the See Apostolick, contrary to what Dr. *Hammond* affirms, p. 156. and this only is pleaded by *John* Bishop of *Ravenna*; That the priviledges granted to his See by former *Roman* Bishops could not be annull'd by *Gregory* the present. But such priviledges were denied by *Gregory* to have bin formerly conceded to Him by his Predecessors; hence he proceeds thus afterward, in the same Epistle. —*Aut mos omnium Metropolitanorum est a sua fraternitate servandus; aut si tuæ Ecclesiæ aliquid specialiter dicis esse* 1.

con-

conceſſum præceptumve a prioribus Romanæ Urbis Pontificibus; quod hæc Ravennati Eccleſiæ ſint conceſſa, a vobis oportet oſtendi.— And to the ſame Biſhop about another thing amiſs, (4.*l.*1.*Ep.*) he writes in this ſtile: —*Proinde Fraternitas tua hoc, quolibet in loco factum ſit, emendare feſtinet; quia ego nullo modo patiar, ut loca ſacra per clericorum ambitum deſtruantur. Vos itaque ita agite, ut mihi hac de re correctam cauſam ſub celeritate nuntietis.*— See 5.*l.*8.*Ep.* his ſending the Pall to *Maximinianus* Biſhop of *Ravenna*, and confirming his privileges. In which Epiſtle, urged by *S. W.* Dr. *Hammond* (*Anſw. to Schiſm diſarm'd*, p.151.) will have theſe words [*omnia Privilegia quæ tuæ pridem conceſſa eſſe conſtat Eccleſiæ, noſtra authoritate firmamus, & illibata decernimus permanere*] well to conſiſt with the independency of that Church, for ſuch priviledges, on the See of *Rome*; and with the Emperor's conferring theſe priviledges to all ſucceſſion, without any joint authority of the Pope; and, bringing in [*provocatus antiquæ conſuetudinis ordine*] without mentioning the words immediately before, [*Apoſtolicæ Sedis benevolentia atque antiquæ conſuetudinis ordine provocatus,*] he makes theſe words refer not to the Popes, but to the Emperor's former grant. But meanwhile judge you, if the Emperour might of his own accord erect Patriarchies, or confer ſuch priviledges without the Biſhop of *Rome's* authority; whether [*authoritate noſtra firmamus, & illibata decernimus* &c, and *Apoſtolicæ Sedis benevolentia*] be not, not only needleſs, but alſo ridiculous. But if the Patriarch of the Weſt's [*authoritate noſtra firmamus*] was neceſſary to what the Emperour did, then are all ſuch inſtances rendred uſeleſs to the Doctor, who can ſhew no ſuch [*firmamus*] to the late erected Patriarchats. And, were not ſuch teſtimonies extant, yet the reſcript of the ſame Emperour *Valentinian*

ntinian (quoted before p 86.) ſeems a ſufficient proof, that no ſuch priviledges, as were prejudicial to the *Roman* See, were granted by him. 2. For the Biſhop of *Juſtiniana* 1ª; that he continued to receive the Pall, as other Primats, from the Biſhop of *Rome*; and that he had *locum Apoſtolicæ Sedis*, not the place of a, but of the, Apoſtolick See; namely, as the Pope's ſtanding delegate for thoſe parts ſubordinate to him; (the phraſe being frequently uſed in this, but I think never in the other, ſence): laſtly, that the Biſhop of *Rome* deputed the judgment of cauſes to him, and, for ſome misbehaviour in his place, paſſed Eccleſiaſtical cenſures upon him; I ſay for theſe things ſee 4. *l. Indict.* 13. *Ep.* 15. *Johanni Epiſcopo* 1æ *Juſtinianæ* newly elected: —*Pallium vero ex more tranſmiſimus, & vices vos Apoſtolicæ Sedis agere, iterata innovatione, decernimus. Iterata innovatione*; which argues the firſt conceſſion, that he ſhould have *locum Apoſtolicæ Sedis*, was from the *Roman* Biſhop; which *Baronius* (*Anno* 535.) ſaith, *Juſtinian*, with much importunity, obtained of *Vigilius:* after *Agapetus* his Predeceſſor had made a demur to grant it, as being a thing too prejudicial to his Neighbour-Metropolitans. And ſee 10. *l.* 5. *Indict.* 34. *Ep.* where he refers the cauſe of *Paulus* Biſhop of *Dyaclina* to the examination of the Biſhop of *Juſtiniana* 1ª. And ſee 2. *l. Indict.* 11. *Ep.* 6. to the ſame Biſhop, where reprehending him for a ſingular act of injuſtice, he ſaith, —*Quod vero ad præſens attinet, caſſatis prius atque ad nihilum redactis prædictæ ſententiæ tuæ decretis; ex Beati Apoſtolorum Principis authoritate decernimus, triginta dierum ſpatio ſacra te communione privatum, ab omnipotenti Deo noſtro tanti exceſſus veniam cum ſumma pœnitentia ac lachrymis exorare.*— —*Quod ſi* &c—; *contumaciam fraternitatis tuæ cognoſcas adjuvante Deo ſeverius puniendam.*— After theſe ſee 2.

Juſtinianan's Conſtitution it ſelf, (*Novell.* 131. *cap.* 3.) which runs thus. —*Per tempus autem Beatiſſimum* 1*æ Juſtinianæ Archiepiſcopum habere ſemper ſub ſua juriſdictione Epiſcopos Provinciarum Daciæ* &c. —*& in ſubjectis ſibi Provinciis locum obtinere Sedis Apoſtolicæ Romæ, ſecundum ea quæ definita ſunt a ſanctiſſimo Papa Vigilio.*– Which laſt words, how reaſonably Dr. *Hammond* (*Reply to Cath. Gentl.* p.96.) interprets, that *Vigilius* defin'd, that the Biſhop of *Juſtin.* 1ª ſhould be, for ever after, an abſolute and free Patriarch, independent on the Biſhop of *Rome*; or why the Emperour ſhould require ſuch a definition from *Vigilius*, who (as the Doctor holds) had no right to hinder it, I leave to your judgment, after that you have well conſidered what is here alledged. And ſee likewiſe this confeſſed by Dr *Field*, 5.*l.*38.c.p.561. 'The ſame may be ſaid of the Biſhop of *Juſtiniana* the 'firſt; who was appointed the Biſhop of *Rome's* Vice-'gerent in thoſe parts, upon ſignification of the Empe-'rour's will and deſire that it ſhould be ſo. Thus he. And hence was this power conferred upon him finally to determine cauſes, namely as the Pope's Delegate for that purpoſe; and this excluſively, not to *Rome*, but to other Metropolitans within thoſe Provinces newly ſubjected to him; from whom to him, not ſo from him to them, might be Appeals. 3. As for the third Primate, of *Carthage*, he is pretended only to be admitted to the like priviledges with *Juſtiniana* 1ª.

3.

§ 31. *n.* 1. Thus have I ſet you down (to ſave you the pains, or to prevent the uſual neglect, of ſearching them in the Authors) ſome of the moſt notable paſſages for the firſt 600 years, (wherein you may find *Calvin*'s confeſſion (*Inſtit.* 4.*l.*7.c.) true, *nullum fuiſſe tempus, quo non Romana Sedes imperium in alias Eccleſias appetiverit*, but,

I add more, *obtinuerit*, too,) ſhewing (as I think) ſeveral ways, not only the honour and dignity, before, but the authority and power of the *Roman* See, over, other Churches, not only thoſe under its Patriarchy, but the Eaſtern alſo: the Eaſtern, not only ſingle, but joined in Councils; *power*, not only which Roman Biſhops claimed, but which Councils allowed, teſtified, confirmed, and eſtabliſhed; and the greateſt Biſhops in the world repaired to for juſtice; the moſt of thoſe Roman Biſhops, whoſe authorities I have cited, being eminent for ſanctity, and having the ſame title and reputation of Saints, as the other ancient Fathers: and the two laſt of them being quoted by Proteſtants, as inveighers againſt an Univerſal Biſhop as a forerunner of Antichriſt, (that you may ſee how much authority even the moſt moderate have aſſumed). and all theſe tranſactions being before the times of the Emperour *Phocas*; who by ſome Reformed (ſee Dr. *Hammond*, *reply to Cathol. Gentl.* 3. c. 4. s. 14. *n.)* is ſaid to have laid the firſt foundations of the modern Roman Greatneſs, in declaring him *Epiſcopum Oecumenicum & Caput omnium Eccleſiarum*, (tho indeed *Phocas* his act was only (in a quarrel of his againſt *Cyriacus* Biſhop of *Conſtantinople*) adjudging the ſtile of *Oecumenicus*, before much diſputed between thoſe two Biſhops, as you have ſeen, not fit to be uſed by the Biſhop of *Conſtantinople*, and due only to the Biſhop of *Rome*). and that *Paulus Diaconus* (*de geſtis Romanorum*, 18. *l.* quoted by Dr. *Hammond*) meant no more; ſee what the ſame *Paulus* ſaith (*de geſtis Longobardorum* 4 *l.* 37. c.): and being of thoſe ages, wherein Dr. *Field*, thro his 5*th* book, denies to have bin any *Roman* Supremacy of power. If it be ſaid that the *Roman* Biſhops, out of whoſe writings many of theſe authorities are produced, then claimed what others denied; I

think ſome other quotations (intermingled) out of thoſe who were no *Roman* Biſhops will ſhew this to be untrue.

§.31.*n*.2. *In the chief cauſes of all other diviſions from the* Roman *Church* (*excepting that of the late* Reformation) *the* Roman *Church* (*in the judgment of the* Reformed) *the more Orthodox.*

Beſides, my chief intention here was not to declare, *quo jure* ſuch juriſdiction was either claim'd, or yeilded to; but that *de facto* that power was ſo long ago aſſum'd, which being now challeng'd, is by our men deny'd; and (I may add) aſſum'd with good ſucceſs to the Church of God during thoſe firſt Ages. The Biſhops of *Rome* having patroniz'd no Hereſies at all, as all the other Patriarchs, at ſome time or other, did. Such were in the See of *Conſtantinople*, *Macedonius*, *Neſtorius*, *Sergius*, Arch-hereticks: in *Alexandria*, *Dioſcorus*, the grand Patron of the *Eutychians*: in *Antioch*, *Paulus Samoſatenus*, the Father of the *Paulianiſts*, *&c.* All which Hereſies, and ſeveral other, which took root in the Eaſt, were ſuppreſſed, and the Unity and Uniformity of the Church's Doctrine and Diſcipline preſerved, by the over-ruling power, the threats, the cenſures, of this See; as any, not over-partial, Reader of the Eccleſiaſtical Hiſtory, will eaſily diſcern. And perhaps I may venture a little further; That to this day, in the chief point and occaſion of breach, for which any other Church beſides the Reform'd, ſtands divided from the *Roman* Communion, the Reformed do juſtifie the *Roman* tenent againſt thoſe Churches. The chief matter of the diviſion of the *Greek* Church from the *Roman* was, beſides that of the Biſhop of *Conſtantinople's* uſing the ſtile of *Oecumenicus*, and the *proceſſion of the Holy Ghoſt*; as appears by the diſputation in the Council of *Florence* (where both Churches (the Eaſtern now falling into ſome diſtreſs) heartily ſought for an accord) almoſt wholly ſpent about this point. Now in this article the Re-

Reform'd do ſide with the Roman Church; and, ſo far alſo as we allow of any ſuperiority, we adjudge the prime place not to the *Conſtantinopolitan*, but the *Roman* Patriarch. The chief Doctrine, for which the other Orientals (as the *Aſſyrian* Churches, the *Jacobites*, *Armenians*, *Cophti*, *Æthiopians*, *Maronites*, *&c.* of which ſee *Field l. 3. c. 1, &c.*) ſtand ſeparate from *Rome*, whilſt their publick Service and Liturgies much-what accord with the *Greek*, or *Roman*, is either *Neſtorianiſm*, or *Eutychianiſm*, or *Monothelitiſm*, imputed unto them; in which alſo the Reformed adhere, againſt them, to the *Roman* judgment. The like may be ſaid in the ancienter controverſies of the *Roman* Church with the *Aſian* Churches, about *Eaſter*; and with the *African*, and ſome of the *Aſian*, about Rebaptization. Thus in the main cauſes of differences with the Eaſtern Churches, the Reform'd will grant, *Rome* to have continued orthodox, and that had the other been bound effectually to have received their laws in theſe controverſies from her, they had been better guided; or at leaſt, that, for thoſe 600 years, ſhe happily moderated the great Queſtions of the Church by her ſupereminent authority. But if it be ſaid again; That the Biſhops of *Rome* now claim much more power, than the inſtances above ſhew them anciently to have uſed; I deſire to know firſt, before this be examin'd, whether we will grant them ſo much; for whilſt we complain, that they now a-days claim more than is due to them, is it not ſo, that we deny them not the more, but all? And have they done well, who have uſed the Biſhops ſo, who have uſed Kings ſo, upon pretence of their exerciſing an illegal power?

And

§ 32. *By the instances above, judgment may be made of the sense of many other (controverted) Sayings of the Fathers.*

And now by what hath pass'd, we may the better judge of the meaning (notwithstanding whatever other glosses are made upon them) of those places of the ancient Fathers, which are quoted before § 6. To which I will here add that which follows, in *Irenæus*, *l.* 3. *c.* 3. who speaks there, how Hereticks may be easily confounded by the unity of the Tradition of Apostolical Doctrine. —*Ad hanc enim Ecclesiam* [*i. e.* a duobus Apostolis Petro & Paulo Romæ fundatam] *propter potentiorem principalitatem, necesse est omnem convenire Ecclesiam, hoc est, eos qui sunt undique fideles; in qua semper ab his, qui sunt undique fideles, conservata est ea, quæ ab Apostolis est traditio. In qua, i. e. in unione & adhæsione ad quam*, Apostolical Tradition is more certainly preserv'd in all other Churches. Let therefore [*potentiorem principalitatem*] (if so you can make any sense) be referr'd (as it is by the Reform'd) to the Roman Empire, not Church; yet the certain conservation of Tradition Apostolical, which is the Father's reason of other Churches repairing and conforming to this, that cannot be apply'd but only to the Church, not as seated in the Imperial City, but as founded by the two most glorious Apostles *Peter* and *Paul*. Of which Church *Tertullian* (*de præscript. Hæreticorum*) also saith,—*Ista quam felix Ecclesia cui totam doctrinam Apostoli cum sanguine suo profuderunt*. And, after him, thus *Cyprian* in his *Ep.* 45. to *Cornelius* Bishop of *Rome* (not to urge any of those passages in his Book *de Unit. Eccl. Cath.* which perhaps seem capable of the exposition which the Reformed give them)—*Nos singulis navigantibus* [*i.e.* from *Affrick* into *Italy*] *rationem reddentes, scimus nos hortatos eos esse, ut Ecclesiæ Catholicæ radicem & matricem* [*i.e.* Ecclesiam Romanam] *agnoscerent & tenerent*.—And after-

terward,—*Ne in urbe* [in Rome] *ſchiſma factum, animos abſentium* [*i. e.* of thoſe in Africk] *incerta opinione confunderet* [which party they ſhould adhere to] *placuit, ut per Epiſcopos iſtic poſitos* [African Biſhops reſiding at Rome] *literæ fierent* [to the African Provinces] *ut te, univerſi collegæ noſtri, & communicationem tuam, id eſt, Catholicæ Eccleſiæ unitatem pariter, ac charitatem, probarent firmiter ac tenerent.* And *Epiſt.* 52. *Antoniano Fratri* [a Biſhop not communicating with *Novatianus*]—*Scripſiſti etiam ut exemplum earundum literarum ad Cornelium* [the Biſhop of *Rome*] *Collegam noſtrum tranſmitterem, ut depoſitum omni ſolicitudine jam ſciret te ſecum, hoc eſt, cum Catholica Eccleſia, communicare.* (The like expreſſions to which we find in *Ambroſe, Orat. in Satyr.* where he ſaith of his Brother *Satyrus,* about to receive the Communion, that *percunctatus eſt Epiſcopum, ſi cum Epiſcopis Catholicis, hoc eſt, ſi cum Romana Eccleſia, conveniret*)—And thus *Cyprian* again, in his *Epiſt.* 55. *ad Cornelium de Fortunato & Faliciſſimo hæreticis* [who condemn'd in Africk, appeal'd to Rome.] *Poſt iſta adhuc inſuper navigare audent; & ad Petri Cathedram atque ad Eccleſiam principalem, unde unitas ſacerdotalis exorta eſt, a ſchiſmaticis* [Fortunato &c.] *literas ferre; nec cogitare eos* [*i. e.* tales] *eſſe Romanos (quorum fides, Apoſtolo prædicante, laudata eſt) ad quos perfidia habere non poſſit acceſſum.* Add to theſe, in the 46th Epiſtle, the confeſſion of thoſe who return'd to *Cornelius* from the Schiſm of *Novatianus,* made in this form;—*Nos Cornelium Epiſcopum ſanctiſſimæ Catholicæ Eccleſiæ, electum—a Chriſto Domino noſtro ſcimus,* &c. concluding, *Nec enim ignoramus unum Deum eſſe, unum Chriſtum, unum Spiritum Sanctum, unum Epiſcopum in Catholica Eccleſia eſſe debere. Unum,* i. e. I ſuppoſe *unum* ſupereminent in power to the reſt, the better to preſerve the Church's Unity.

Laſtly,

§ 33. Laſtly; The paſſages of thoſe Ancients who were in ſome difference with the Biſhop of *Rome*, which upbraid him for challenging ſuch power, ſeem to me good arguments, that ſuch power and authority, over other Churches and Biſhops, was then ſo early aſſum'd by him. So *Tertullian* (*de Pudicitia c.*21.) living in the beginning of the third Age, when now a *Montaniſt*, and rigidly oppoſing the Abſolution, and reſtitution to the Church, of lapſed Chriſtians, tho penitents (which thing was practis'd by the Biſhop of *Rome*), mentions there in Irony his Titles of *Pontifex Maximus*, and *Epiſcopus Epiſcoporum*; and thus expoſtulates with him,—*Unde hoc jus Eccleſiæ* [*i. e.* of abſolving ſuch ſinners] *uſurpas? Si quia dixerit Petro Dominus; ſuper hanc Petram ædificabo Eccleſiam meam: Tibi dedi claves regni Cœlorum; vel quæcunque alligaveris* &c. *Qualis es! evertens atque commutans manifeſtam Domini intentionem perſonaliter hoc Petro conferentem* &c. [But note, that *Tertullian* here in the Proteſtants judgment errs, abſolution of ſinners penitent being not perſonal to *Peter*, or the Apoſtles, but common, not only to the *Roman* Biſhop, but all the ſucceſſive Clergy, for ever.]—So *Firmilianus* Biſhop of *Cæſarea Cappadociæ* in his Epiſtle to St. *Cyprian* (the 75th amongſt *Cyprian's*) when very paſſionate in the matter of Rebaptizing thoſe formerly Baptiz'd only by Hereticks, and (as it ſeems by *Euſ. Ec. Hiſt.* 7. *c.* 4.) either puniſh'd or threaten'd with Excommunication by *Stephen* Biſhop of *Rome* for it, and alſo being his oppoſite in the controverſie about *Eaſter*, thus inveighs againſt him; —*Ego in hac parte juſte indignor—quod qui ſic de Epiſcopatus ſui loco gloriatur & ſe ſucceſſionem Petri tenere contendit, ſuper quem fundamenta Eccleſiæ collocata ſunt, multas alias Petras inducat, & Eccleſiarum multarum nova ædificia conſtituat, dum eſſe illic* [*i.e.* Heretical Churches] *baptiſma*

ſua

ſua authoritate defendit—Stephanus, qui per ſucceſſionem Cathedram Petri habere ſe prædicat, nullo adverſus hæreticos zelo excitatur &c. [*i.e.* in diſallowing and nulling their Baptiſm] —*Eos autem qui Romæ ſunt non ea in omnibus obſervare, quæ ſint ab origine tradita; & fruſtra Apoſtolorum authoritatem prætendere, ſcire quis etiam inde poteſt* &c.— where he blames their keeping of Eaſter differently from others in the *Aſian* Churches. —*Qui gloriatur, qui prædicat, qui prætendit:* therefore ſuch titles, and ſuch gloriation there was; and ſuch authority challenged by the *Roman* Biſhops (which he calls in that Epiſtle [*ruptio pacis*]) long before the *Nicen* Council; and the judgments, and the pretended Apoſtolical traditions of theſe Biſhops, tho by theſe miſtaken men cenſured and oppoſed, yet by the orthodox followed and embraced.

As for the two places urged out of S. *Cyprian* againſt the acknowſedgment of any ſuch power or ſuperiority of one Biſhop over another; and conſequently of the Biſhop of *Rome*; the one out of the Council of *Carthage* (in his works,) wherein, being Preſident, he ſaith, —*Neminem judicantes, aut a jure communionis aliquem, ſi diverſum ſenſerit, amoventes. Neque enim quiſquam noſtrum Epiſcopum ſe eſſe Epiſcoporum conſtituit, aut tyrannico terrore ad obſequendi neceſſitatem Collegas ſuos adigit; quando habeat omnis Epiſcopus pro licentia libertatis & poteſtatis ſuæ arbitrium proprium; tamque judicari ab alio non poſſit, quam nec ipſe poteſt judicare. Sed expectemus univerſi judicium Domini noſtri Jeſu Chriſti, qui unus & ſolus habet Poteſtatem—de actu noſtro judicandi.* —And the other, in the cloſe of his and the Councils Epiſtle to *Stephen*, (Epiſtle 72.) where he ſaith: —*Hæc ad conſcientiam tuam Frater Chariſſime* [i.e. *Stephane*]—*pertulimus*; § 34.

credentes etiam tibi, pro religionis tuæ & fidei veritate, placere, quæ & religiosa pariter & vera sunt. Cæterum scimus quosdam, quod semel imbiberint, nolle disponere, nec propositum suum facile mutare; sed salvo inter collegas pacis & concordiæ vinculo, quædam propria retinere. Qua in re nec nos vim cuiquam facimus, aut legem damus; cum habeat in Ecclesiæ administratione voluntatis suæ arbitrium liberum unusquisque Præpositus [or Bishop,] *rationem actus sui Domino redditurus.*— In the first of these places, the Father speaks of all Bishops having their free votes in the Council; none lording it over the rest, nor they to give account of such vote, save to God alone. This seems clear from the words immediately preceding: —*Superest ut de hac ipsa re singuli quid sentiamus proferamus, neminem judicantes* &c. [which words they are pleased not to mention with the rest.] In the second, he only saith of himself and the Council, That they did not *vim facere*, nor *legem dare cuiquam Collegarum.* By which colleagues, he means not *Stephen* the Bishop of *Rome*, or any foreign, but only some *African*, Bishops: who, having no such former custom of rebaptizing any, dissented from that Council's judgment; as may be collected both from the words preceding here—*credimus tibi placere*, and from the former Epistle 71. to *Quintus*, where he saith, *Nescio qua præsumptione ducuntur quidam de collegis nostris, ut putent eos qui apud hæreticos tincti sunt, quando ad nos venerint baptizari non oportere*, [this being spoken of his collegues] *Et qui hoc illis patrocinium de authoritate sua præstat, cedit illis & consentit* &c. [this being spoken of *Stephen*, who countenanced his *African* collegues.] But be these collegues whom they please; of them I ask, Were they subordinate and subject to this Council, or not? If they were; then [*legem non damus*] must not be made equivalent to [*non licet dare.*]

And

And, in doubtful matters (as this must needs be on *Cyprian's* side, going against the former general practice of the Church except that of his Predecessors) tis many times great prudence *legem non dare*, where there is a legislative power: or if they were not subordinate; then indeed, *non licuit legem illis dare*. But this rule [*non licet* &c.] cannot be extended to other Governors, where there is a subordination of others to them. Now, as there are Bishops and Councils coequal, who therefore may not give the law to one another, (as the Bishop of one Dioceſs, or one Provincial Council, cannot regulate another); ſo there are *Biſhops* and Councils ſuperior to others: as above an ordinary *Biſhop*, are Metropolitans, Primats, Patriarchs: above Councils Provincial, are Patriarchal, General. Therefore either S. *Cyprian*'s words muſt not be ſo far extended, as to aſſert, That no one *Biſhop* nor Council hath any power over another, but all *Biſhops* left to their ſupreme liberty, only *rationem reddituri Domino* of their actions, (contrary to the univerſal practice of the Church; ſuch ſuperior Councils ordinarily cenſuring, and alſo anathematizing *Biſhops*); or, in the judgment of the Reformed, who alſo maintain ſuch ſubordinations, S. *Cyprian* muſt be in an error. Now, in the vacancy of any General or Patriarchal Council, the Patriarch, at leaſt for his own Patriarchat, (as *Cyprian* was within the *Roman* Patriarchat,) is the ſupreme Judge, and therefore *Cyprian* not exempt from all ſubjection or ſubordination to Him. See for this Dr. *Field*'s conceſſions, (before § 18.) *Supreme judge*; for the executing of the former Eccleſiaſtical Canons, and preſerving of the doctrines formerly eſtabliſhed, and determined by Councils. *Supreme Judge* thus, over Provincial, not only *Biſhops* but Councils, for from theſe may be made appeals to him; and a confirmation

of their decrees is ſought for from him. See that of *Milevis* and of *Carthage* in S. *Auſtin*'s time, (before, § 23. *n.*4.) neither ought they to promulgate any doctrine not formerly determined by former Councils againſt his approbation and conſent. See before, § 22. (Therefore *Cyprian* might not make a contrary Decree to the Weſtern Patriarch, ſo as to neceſſitate thoſe under his Primacy to the obedience thereof, as neither he did.) But how far on the other ſide they ſtand obliged to conform to the judgment of him, or alſo of his Provincial Council, when defining any ſuch new point againſt theirs, (the caſe here between *Stephen* and *Cyprian*,) I determin not: Eſpecially conſidering the liberty *Cyprian* took to diſſent from *Stephen*, and conſidering, what *Bellarmin* (*de Concil. 2. l.5. c.*) and before him S. *Auſtin*, grants, that by ſuch diſſent he ceaſed not to be a good Catholick; and conſidering alſo the liberty S. *Ambroſe* took, at leaſt, in a ritual, of practiſing contrary to the cuſtom of the *Roman* Church. See *de Sacram. l.3 c.*1. *Non ignoramus quod Eccleſia Romana hanc conſuetudinem* [i.e. *de lotione Pedum*] *non habeat, cujus typum in omnibus ſequimur & formam. —In omnibus cupio ſequi Eccleſiam Romanam*, [*in omnibus*; that is, which I can reaſonably aſſent to,] *ſed tamen & nos homines ſenſum habemus: Ideo quod alibi rectius ſervatur, & nos recte cuſtodiamus, ipſum ſequimur Apoſtolum Petrum* &c. But neither is *Cyprian*'s authority, whatever he did in this matter, nor any decree of an *African* Council (as Dr. *Hammond Schiſm 6.c.* p.128. urgeth a canon of an *African* Council in *Anaſtaſius* his time, *A.D.* 401. (the 71. in *Balſamon*, the 35. in *Crab* and *Binnius*,) which imports thus much; That "laws made at *Rome* do not take away the liberty of "another National Church to make contrary laws thereunto;) a ſufficient argument clearly to decide this

this point; namely, that the *African* Churches, being ſubject to this Patriarch, might promulgate a Doctrine contrary to his judgment. For there is no more reaſon we ſhould juſtifie *Cyprian's*, or an *African* Council's, authority againſt the Biſhop of *Rome* and his Council, than this Biſhop's and his Council's, againſt theirs; where if *Cyprian* for his perſon were a Martyr for Chriſt, ſo was *Stephen* too. Eſpecially, when we find *Cyprian* ſo much erring in the matter of this controverſie, whilſt he ſaith, (*Epiſt.* 74.) *Pompeio—Qui* [Stephanus] *hæreticorum cauſam contra Eccleſiam Dei aſſerere conatur,*—— And when we conſider the modeſt and ſafe grounds *Stephen* went upon [*Nihil innovetur niſi quod traditum eſt*] having the former cuſtom of the Church on his ſide, to which St. *Cyprian* pleads, *Conſuetudo ſine veritate eſt vetuſtas erroris*; and (*Epiſt.* 71. *Quinto Fratri*), *Non eſt conſuetudine perſcribendum, ſed ratione vincendum.* Whereas, in this conteſt, it had bin an happy thing for the Church, and had ſav'd St. *Auſtin* many ſheets againſt the *Donatiſts*, had he and his Council acquieſc'd in the judgment of their Patriarch. Thus much to thoſe places objected out of *Cyprian*.

§ 35. As for that pretended Canon of the *African* Council, I find the paſſages in *Binnius* (with whom the Dr. ſaith *Balſamon* agrees in ſetting down this Canon, but indeed there is ſome difference, and *Balſamon's* Tranſlation hardly intelligible) otherwiſe then the Doctor (in his Reply to *Schiſm Diſarm'd* p. 209.) relates them.) The buſineſs there conſulted upon, was about the readmiſſion of the recanting *Donatiſts*, not only to the Unity of the Catholick Church, but alſo to the former Dignities, which ſuch had held in the Church: concerning this a Council had been held already in *Italy* by

by *Anastasius* and his Bishops; wherein it was decreed, that such *Donatists* should not be admitted to their former honours and places; and a Letter was to this purpose sent to the *Africans* by *Anastasius*. Concerning which Letter, first this Council saith, *Recitatis epistolis beatissimi Fratris & consacerdotis nostri Anastasii, quibus nos paternæ & fraternæ charitatis solicitudine & sinceritate adhortatus est, ut* &c.—*Gratias agimus Domino nostro, quod illi optimo ac sancto Antistiti suo tam piam curam pro membris Christi (quamvis in diversitate terrarum, sed in una compage corporis, constitutis) inspirare dignatus est.* Then in *Can.* 33. they say, *Consideratis omnibus* &c. *eligimus cum memoratis hominibus* [the Donatists] *leniter & pacifice agere*, upon this reason; that so they might reduce, together with them, many others seduc'd by them. Lastly, in *c.* 35. which is the Canon urged, they say; *Itaque placuit ut literæ mittantur ad fratres & coepiscopos nostros* [*i. e.* those of the Council which *Anastasius* had held in *Italy*] *& maxime ad sedem Apostolicam, in qua præsidet memoratus venerabilis Frater & Collega noster Anastasius, quo noverit habere Africam magnam necessitatem, ut ex ipsis Donatistis, quicunque transire voluerint* &c. *in suis honoribus suscipiantur, si hoc paci Christianæ prodesse visum fuerit*; *i. e.* (as they explain themselves afterwards in the same Canon) that such Clerks of the *Donatists* should be admitted to their former Dignities, upon whose reconcilement depended the gaining and reduction of a multitude also of other Souls, who were their followers. This then they were to write to the Pope and the Bishops of the *Italian* Council; that such *Donatist*-leaders might be readmitted not only into the Church's bosom, but to their former places. They go on: *Non ut Concilium, quod in transmarinis partibus de his re factum est* [who had decreed the contrary] *dissolvatur*;

tur; ſed ut illud maneat [the Council ſtand good] *circa eos, qui ſic tranſire ad Catholicam volunt, ut nulla per eos unitatis compenſatio procuretur* (*i.e.* who do not procure the uniting of many others) *per quos autem—adjuvari manifeſtis fraternarum animarum* [of thoſe under the *Donatiſt* Clergy's Spiritual Conduct] *lucris Catholica unitas viſa fuerit, non eis obſit, quod contra honores eorum—in tranſmarino Concilio ſtatutum eſt.* Then, contracting what is formerly ſaid, they conclude thus; *id eſt, ut ordinati in parte Donati, ſi ad Catholicam correcti tranſire voluerint, non ſuſcipiantur in honoribus ſuis, ſecundum tranſmarinum Concilium; exceptis his, per quos Catholicæ unitati conſuletur.* Now ſome difference there is, between their writing to the Pope, and the Biſhops of the former Council; *ne obſit*, for ſome; and *maneat* for the reſt; and their *decreeing* againſt the Pope and that Council, *ne obfuerit for any.* Now this cloſe is thus Engliſh'd by the Doctor out of *Balſamon*; "That they that have bin 'Ordain'd on the part of the *Donatiſts*, ſhall not be 'proceeded with according to the tranſmarine Synod, 'but ſhall the rather be receiv'd, as thoſe that take care 'for the Catholick Unity. How well, I leave to your judgment.

Now to theſe ſeveral inſtances, which I have drawn out of the primitive times, the anſwers which are uſually made by ſome (for you muſt expect, that nothing is ſaid by any ſide, which is not reply'd to by the other) are ſuch as theſe; That ſuch places, as ſpeak of the Primacy and Principality of the Roman Biſhop, ſpeak only of that of Order and Dignity, not of Power or Authority;—*Apoſtolicæ Cathedræ Principatus*; *i. e.* ſay they, *quoad dignitatem, non quoad poteſtatem.—Rector domus Dei*; *-Eccleſiæ Catholicæ*, or *univerſalis Epiſcopus*; *i.e.* ſay they, *Unus*

§ 36. *The Proteſtants ordinary Replies to theſe, to me ſeeming not ſatisfactory.*

Unus e rectoribus domus Dei; unus ex Episcopis, &c.— That such places as mention appeals to the Bishop of *Rome*, speak of them as made to him, *non ut ad Judicem, sed ut ad ejusdem fidei fautorem, ut ejusdem fidei professores in communionem suam admitteret,—non ob aliquam jurisdicendi authoritatem, sed ob amicam communionis ejusdem societatem.* That the like addresses were made to other Patriarchs and Bishops for their communion and assistance, as to him; and that his Letters were requested, and, in behalf of sufferers, directed to all parts of Christianity; not by vertue of any authority he had to correct, but by reason of the power he had (from the reverence they gave to the dignity of his place) every where to perswade. That such places of Fathers, or Councils, as affirm, that no publick affairs of the Church may be transacted without the Bishop of *Rome*, are not appropriate therefore only to him; but verified as much of the rest of the Patriarchs, as of him. That those places which mention his censuring, excommunicating, deposing Clergy, that were not under his own Patriarchy, speak not of any authoritative or privative excommunication (to use the Bishop of *Derry's* expression, *Vind. c.* 8.) by way of jurisdiction, excluding such from the communion of Christ; but only of a negative, in the way of Christian discretion, by with-drawing him, or his, from communion with them; for fear of infection, for declaring his non-currence with, or countenancing of, their fault, *&c.* There being great difference (as Dr. *Field* observes p. 558.) between excommunication properly so nam'd, or authoritatively forbidding all men to communicate with such and such; and the rejecting only of them from our communion and fellowship. [And I also confess and grant, such negations of communicating with others anciently used: and amongst the

reſt uſed alſo by the Biſhop of *Rome*, who often prohibited his Legates and others from communicating with ſome other Biſhop (as with the Biſhop of *Conſtantinople*, when he uſed the ſtile of *Univerſalis*,) or from going to, and being preſent at, their celebration of Divine Service; when he did not excommunicate the other, nay when alſo he admitted the miniſters of the other, and thoſe who communicated with the other, to come to his communion and celebration of Divine Service. See *Gregory* (*l.* 31. *Ep.* to *Eulogius* and *Anaſtaſius*) indulging this to thoſe, who were ſent from *Cyriacus* Biſhop of *Conſtantinople* to him. But that all the Biſhops excommunications of thoſe without his Patriarchy were only ſuch, this is the thing denied.] –That 'the like may be ſaid of his confirming or reſtoring his 'fellow-Biſhops; that it was done, not by way of fo-'renſical juſtice, but fraternal approbation: and that 'all other Patriarchs uſed excommunicating, depoſing, 'acquitting, and reſtoring, in the ſame manner, allow-'ing or withdrawing their communion from their fel-'low-Biſhops, as they ſaw fit; and that they con-'firmed the *Roman* Biſhop by their communicatory let-'ters, as he them. [Which things, how well they agree with the aboveſaid forms of ſuch Eccleſiaſtical cenſures, and with other practices of the Roman Biſhops towards others, much differing from the practices of other Patriarchs either towards him, or towards others; how well they agree with the addreſſes made from both Church-governors and Councils, upon differences and contentions in the Church, to *Rome*; addreſſes not uſed in the ſame manner to the other Patriarchs, (yet would have bin done equally to them alſo, had all Patriarchs bin eſteemed in their power equal); eſpecially how they agree with what is ſaid § 24. and § 18. upon

reviewing the instances I have given, I leave to your judgment.] —"That the places, which speak of his 'judging causes, and inflicting such Ecclesiastical cen-'sures &c, speak not of him singly, but as joined with 'his Western Bishops; they meaning, by this, not some 'of his Western Bishops only, (whose assistance the *Ro-'man* Bishop ordinarily useth in all his judgments,) but 'his whole Patriarchal Council. —That those places, 'which do argue, joining-with the *Roman*, to be join-'ning with the Catholick, communion, (see before '§ 23. *n.*2. and *n.*3. and § 32. as it must needs be, that, 'if God hath appointed any person or Council as a su-'preme Guide, whom the rest ought to obey, such mem-'bers, as do not obey, cannot be Catholick,) are spoken 'only with respect to such a Roman Bishop at such a 'time, who, in their opinion, held the true Profession; 'and not, that all the Roman Bishops at any time have, 'or shall, hold it; those, who made these expressions, 'accounting the Roman Bishop orthodox and catholick, 'because he then was of such a faith as they approved; 'not the faith orthodox and catholick, because it was 'the faith of the Roman Bishop, or which he approved. 'So *Spalatensis*, in answer to the places produced out of 'S. *Hierom.* in 23. §. saith, (4.*l.* 10.*c.* 23.*n.*) *Quod Hie-'ronymus Damaso, hoc est Petri cathedræ, consociari velit, sig-'nificat privilegium illius Cathedræ adhuc Hieronymi tempore 'vigens circa fidei puritatem:* and 88.*n.* —*Quasi dicat: 'quia nunc* [not *perpetuo*] *in terris video Apostolicam doctri-'nam Romæ maxime puram conservari, ideo in his dissensio-'nibus volo tibi adhærere.* [Which answer circularly makes him to judge first in what Church the true doctrine is, who is to seek what Church to adhere to, to be guided by it to the true doctrine. Whereas those, who submitted to the Roman, as the most orthodox,

gathered

gathered it to be orthodox, as being S. *Peter's* Seat, and the prime Apoſtolical See.] "That moſt of theſe te-'ſtimonies and examples are not alledged out of the 'firſt and pureſt times; *non eſſe ex prima antiquitate, ſed 'poſt Nicænam Synodum; cum ſchiſmata & partium ſtudia 'in Chriſtianos valere cæperunt.* Yet then; that as their 'pride claimed much, (as they claimed indeed great au-'thority from the beginning,) ſo were they by the re-'ſoluteneſs of their fellow-Biſhops as much oppoſed; 'and what they decreed, ſeldom executed. And laſtly, 'That much more dominion over the Church of God, 'than is ſhewed here to have bin then practiſed, is now 'aſſumed, (but what is this to the vindicator only of 'their ancient practice?) and, That were it not aſsum-'ed, yet many and unſufferable are the inconveniences 'of ſo remote a Judge of Appeals. (But ſee concerning this what is ſaid before, §.14.) To ſuch exceptions as theſe, I will trouble you with no reply: If you do not find the former paſsages (reviewed) ſufficiently to juſtifie themſelves againſt theſe limitations and reſtrictions, and to vindicate much more authority to the Apoſtolical See than is here confeſsed, for me you may admit them for good anſwers.

§.37. *Such power anciently exerciſed by the Biſhop of Rome, not only exerciſed jointly with a Patriarchal Council, (which is by ſome pretended.)*

Hitherto I have bin ſhewing you the ſubordinations of Clergy, for regular Ordinations; for ſetling doctrine and diſcipline in the Church; and for deciding differences; and amongſt theſe, (from § 11.) the great power given to Patriarchs; and amongſt and above them (from § 21.) more particularly, the power and preeminence the *Roman* See hath anciently challenged, or others yeilded to it. In the next place obſerve; That the exerciſe of this power anciently lay not in the *Roman* Biſhop, or other Patriarchs, only as joined with,

or Preſident in, a Patriarchal Synod; nor in Primates and Metropolitans, only as Preſident in a Provincial; (a refuge, which many willingly fly to, in their defence of a diſſimilitude of the preſent, to the ancient Government of the Church by them;) but in them, as uſing only their private council, or the aſſiſtance of ſuch neighbouring Biſhops, as could without much trouble be convened: Of which I ſhall give you an account out of Biſhop *Bramhal*, and Dr. *Field*, who have made it up to my hand.

Thus then Dr. *Field*, (5.*l*.30.*c*.*p*. 513.) —"Provincial 'Councils were by ancient canons of the Church to be 'holden in every Province twice every year. It is very 'neceſſary (ſay the Fathers of the Council of *Nice*) that 'there ſhould be a Synod twice in the year in every 'Province; that all the Biſhops of the Province meeting 'together may in common think upon thoſe things that 'are doubtful and queſtionable. —For the diſpatch of 'Eccleſiaſtical buſineſs, and the determining of matters 'in controverſy, we think it were fit (ſay the Fathers in 'the Council of *Antioch*) that in every Province Synods 'of Biſhops ſhould be aſſembled twice every year. [To 'the ſame effect he quotes *Conc*. *Chalced*. 18. *c*. ſee likewiſe *Canon*. *Apoſtol*. 38.] —But in proceſs of time, 'when the Governours of the Church could not conveniently aſſemble in Synods twice a year, the Fathers 'of the Sixth General Council decreed, (*Can*. 8.) that 'yet in any caſe there ſhould be a Synod of Biſhops once 'every year for Eccleſiaſtical queſtions. Likewiſe the 'Seventh General Council (*can*.6.) decreeth in this 'ſort: —Whereas the Canon willeth judicial inquiſition 'to be made twice every year by the aſſembly of Biſhops in every Province; and yet for the miſery and 'poverty of ſuch as ſhould travel to Synods, the Fathers

'of

'of the 6th General Council decreed it ſhould be once 'in the year, and then things amiſs to be redreſſed, we 'renew this latter canon.– But afterwards many things 'falling out to hinder their happy meetings, we ſhall 'find that they met not ſo often, and therefore the 'Council of *Baſil* appointeth Epiſcopal Synods to be 'held once every year, and Provincial at leaſt once in 'three years, [and ſo doth *Conc. Trident.* 24. *ſeſſ.* 2. *cap. pro 'moderandis moribus, corrigendis exceſſibus, controverſiis 'componends*, &c.] which accordingly were kept every 'third year by *Carlo Borrhomeo*, Metropolitan of *Mil-'lain.* And ſo in time, cauſes growing many, and the 'difficulties intolerable, in coming together, and in 'ſtaying to hear theſe cauſes thus multiplied and in-'creaſed, (which he confeſſeth before to be juſt conſi-'derations,) it was thought fitter to refer the hearing 'of complaints and appeals to Metropolitans, and ſuch 'like Eccleſiaſtical Judges, limited and directed by ca-'nons and Imperial laws; than to trouble the Paſtors 'of whole Provinces, and to wrong the people by the 'abſence of their Paſtors and Guides. Thus Dr. *Field.*

And muchwhat to the ſame purpoſe Biſhop *Bramhal*, (*Vindic.* p. 257.) "What power a Metropolitan had 'over the Biſhops of his own Province by the Canon-'law, the ſame and no other had the Patriarch over the 'Metropolitans, and Biſhops of ſundry Provinces, within 'his own Patriarchate: But a Metropolitan anciently 'could do nothing out of his own [*particular*] Dioceſs, 'without the concurrence of the *major* part of the Bi-'ſhops of his Province; nor the Patriarch in like man-'ner without the advice and conſent of his Metropoli-'tans and Biſhops. Wherein then conſiſted Patriarchal 'authority?"—In convocating Patriarchal Synods and 'preſiding in them; in pronouncing ſentence according

to

'to plurality of voices, when Metropolitan Synods did 'not ſuffice to determin ſome emergent difficulties or 'differences. —I confeſs, that by reaſon of the great 'difficulty and charge of convocating ſo many Biſhops, 'and keeping them ſo long together, until all cauſes 'were heard and determined; and by reaſon of thoſe 'inconveniences which did fall upon their Churches in 'their abſence, Provincial Councils were firſt reduced 'from twice, to once, in the year; and afterwards to 'once in three years. And in proceſs of time the hear-'ing of Appeals, and ſuch-like cauſes, and the execution 'of the canons in that behalf, were referred to Metropoli-'tans, until the Papacy ſwallowed up all the authority 'of Patriarchs, Metropolitans, and Biſhops]. Thus the Biſhop. Now concerning what they have ſaid, note

1. 1. That tho Provincial Councils in ſome ages and places were more frequently aſſembled; in the time of whoſe ſitting, as the aſſembled could do nothing without their Primate or Metropolitan, ſo neither he without them; yet in the intervals of ſuch Synods (which intervals were too long, to leave all matters of controverſy whatever, till then, in ſuſpence; and happened many times alſo anciently to be longer than the canons permitted) the Metropolitans authority was not void; but they, limited and directed by the former decrees of ſuch Synods, were truſted with the execution thereof, and with the doing of many things, eſpecially in ordinary cauſes, by themſelves alone; but ſo, as their acts of juſtice might upon complaint be reviewed in the fitting of the next Council, and, if diſliked, repealed.

2. 2. That, tho Metropolitan Synods in ſome times were not unfrequent; yet Patriarchal Synods were never, nor never well could be, ſo; nor find we any ſet times appointed for calling them, as for calling the other;

ther; ſo that, as tis plain by many former inſtances, that the Patriarch ordinarily did, ſo tis all reaſon that he ſhould, decide ſome appeals without them: tho in ſome caſes extraordinary, and of great conſequence, ſuch Councils alſo were aſſembled.

3. Since, where they ſpeak of the Metropolitans judging matters alone, to have bin a practice only of latter times; yet they allow this to be done upon very rational grounds: obſerve, that there were the ſame rational grounds of doing it anciently: and again, that the practice, they juſtify for Metropolitans in latter times, they have much more reaſon to allow to Patriarchs in all times; becauſe the greater the Councils are, with the more trouble are they conven'd. and laſtly, that the reformed Metropolitans themſelves, who blame the Biſhop of *Rome*'s managing Eccleſiaſtical affairs by himſelf alone, *i. e.* without a Patriarchal Synod; yet themſelves think it reaſonable to do the ſame thing, themſelves alone, *i. e.* without their Provincial Synod; authorizing their High-commiſſion Court, and blaming his Conſiſtory. Now what is allowed to Patriarchal proceedings, without Councils, in reſpect of appeals from their ſeveral Provinces; the ſame it is, that, in the differences and conteſts of Patriarchs themſelves, and of other greater Biſhops, (ſince it is meet for preſerving the Church's peace and unity, that ſome perſon, or aſſembly, ſhould have the authority to decide theſe; and ſince it is unreaſonable, and for the great trouble thereof not feiſible, that a General Council, or alſo Patriarchal, in all ſuch differences, ſhould be aſſembled); the ſame (I ſay) it is, that, by ancient cuſtom and Eccleſiaſtical canons, hath bin conferred on the *Biſhop* of *Rome* with his Council, (tho granted liable to error); He being more eminently honourable than the reſt, by reaſon, 3.

reaſon, of the larger extent of his Patriarchy; of the great power and ancient renown of that City, which in Spiritual matters he governed; but eſpecially, of the two greateſt Apoſtles, *Peter* and *Paul*, there ending their days in the government of that See, and leaving him there the Succeſſor of their power. Yet is this office of ſupreme judicature ſo committed unto him, that his judgments only ſtand in force till ſuch a meeting; and may be reviewed, and, where contrary to former canons, reverſed, by it; concerning which ſee the ſaying of S. *Auſtin*, quoted before, § 22.—*Reſtabat adhuc plenarium Eccleſiæ univerſæ Concilium* &c. and the ſaying of *Zoſimus*, quoted §. 22. *n.* 2. and the Epiſtle of *Gelaſius*, quoted § 25. *n.* 3. and what is ſaid § 22. Now, all Metropolitan and Patriarchal authority in the intervals of Councils being limited to the execution of Conciliary Laws and Canons, or, at leaſt, to the acting nothing againſt them, if the queſtion be asked, who ſhall judge whether ſo they do? I anſwer, none but a ſuperior Council; till which their judgment ſtands good. For (as I have largely ſhewed elſewhere) if Litigants once may judge of this, when their Judges judge rightly, and not againſt the laws, and accordingly may yeild or ſubſtract their obedience; ſuch obedience is arbitrary. In civil Courts, Princes, or their Miniſters, are obliged to judge according to, or not againſt, the laws of the Kingdom; may the litigant therefore reject their judgment, when it ſeems to him contrary to theſe laws? I believe not.

Thus

Thus much having bin ſaid of the authority and juriſdiction given, by Eccleſiaſtical conſtitutions and ancient cuſtoms and practice, to ſome Eccleſiaſtical perſons above others; and amongſt them, ſupereminently above all the reſt, to the *Roman* Biſhop; and given to theſe perſons, not only as joined with Councils, but as ſingle Magiſtrates, in the vacancy thereof; in the next place, theſe Propoſitions alſo I think muſt neceſſarily be granted. Firſt; That whatever authority is thus ſetled upon any perſons by the canons and cuſtoms of the Church, concerning the managing of affairs not civil, but meerly Spiritual and Eccleſiaſtical, cannot be annulled, and diſſolved, nor cannot be conferred, contrary to the Church's conſtitutions, on any other perſon, by any Secular power; neither by Heathen and unbelieving Princes, who were enemies to the Church; nor by Chriſtian much leſs: becauſe theſe are in Spiritual matters Sons and Subjects of the Church, and now obliged to obey her laws; neither by the one, who ſo might eaſily hinder the propagation of Chriſtianity; nor by the other, who, if happening at any time to be Heretical or Schiſmatical, might eaſily hinder the profeſſion of the Orthodox faith, or diſturb the Church's peace. Thus *Grotius*, a great Lawyer, (*in Rivet. Apol. diſcuſſ. p.*70.) *Imperatorum & Regum aliquod eſſe officium etiam circa res Eccleſiæ, in confeſſo eſt. At non tale, quale in ſæculi negotiis. Ad tutandos, non ad violandos Canones jus hoc comparatum eſt. Nam cum Principes filii ſint Eccleſiæ, non debent vi in matrem uti. Omne corpus ſociale jus habet quædam conſtituendi, quibus membra obligentur; hoc jus etiam Eccleſiæ competere apparet Act.*15.28. *Heb.*13.17. where he quotes *Facundus* ſaying of *Martianus*: *Cognovit ille quibus in cauſis uteretur Principis poteſtate, & in*

§ 38. *That it is ſchiſm to deny obedience to any Eccleſiaſtical power eſtabliſhed by Eccleſiaſtical Canon: and that no ſuch power can be lawfully diſſolved by the power Secular.*

quibus exh.beret obedientiam Chriſtiani.— And —*Obedite Præpoſitis, etiam Regibus dictum.*— See this diſcourſed more largely in *Succeſſ. Clerg.* §64, 65. 2. And further; That it is Schiſm to deny obedience to any Eccleſiaſtical power ſo eſtabliſhed, and never ſince by the ſame Eccleſiaſtical laws reverſed. I ſay here, *concerning matters Eccleſiaſtical*, not Civil; therefore, let that Propoſition of Dr. *Hammond* (*Schiſm 6.c.p.*129.) for me ſtand good, ["That a Law, tho made by a General "Council, and with the conſent of all Chriſtian Prin-"ces, [i.e. *of that time*,] yet, if it have reſpect to a ci-"vil right, may in this or that Nation be repealed, [*i.e. by that Prince's Succeſſors*]; provided only, That the ordaining or confirming of inferior Governors and Officers of the Church; the aſſembling of Synods; and deciſion of controverſies of Religion; the ordering Church-ſervice and diſcipline; the Eccleſiaſtical cenſures upon delinquents, and the like, for preventing or ſuppreſſing of Hereſie, Schiſm, and Faction; and for preſerving the Church in unity of doctrine and practice: Provided (I ſay) that ſuch things be not reckoned amongſt civil rights; as they may not be; becauſe all theſe were things uſed by the Church under the heathen Emperors, even againſt their frequent Edicts: yet could they not have bin lawfully ſo uſed, if any of theſe had encroached on civil rights; in any of which civil rights, the heathen Prince might claime as much lawful power to prohibit them, as the Chriſtian can. And becauſe all theſe were continued to be uſed by the Church alſo under Chriſtian Emperors, without asking their leave to decree ſuch things, or ſubjecting them to their authority, or depending on their conſent, (only with humbly deſiring their aſſiſtance, yet ſo as, without it, reſolv'd to proceed in the execution thereof as under

der Heathen; as clearly appeared under the the *Arian* Emperors;) yet which thing ſhe could not lawfully have done, were any of theſe entrenching upon anothers right. For example; the 6th *Canon* of *Nice*, and 5. *Can.* of *Conſtant.* Council, would have bin an uſurpation of an unjuſt authority, if the ſubordination of Epiſcopal Sees, and erecting of Patriarchs had belonged to the Prince. Upon the ſame grounds let alſo thoſe inſtances (collected by Biſhop *Bramhal*, *Vindic.* 7. *c.*) of ſeveral Princes and States, on many occaſions oppoſing the Pope's authority, ſtand good and be juſtified, ſo far as he doth not ſhew theſe Secular powers to have oppoſed him in any right belonging to him, by Church-canons, in Eccleſiaſtical matters. But if in any of thoſe examples, they are alſo found to oppoſe him in theſe, the proving of ſuch facts to have bin done, juſtifies not their lawfulneſs to be done. Tho alſo he confeſſeth, that this fact of *Hen.* 8. in aboliſhing the uſurped (as he calls it) juriſdiction of the Biſhop of *Rome* within his Dominions, he cannot fellow abroad. See what he ſaith, *Vindic.* 7. *c. p.* 184.. Neither do ſuch facts, as he urgeth to be done abroad, hinder ſuch Princes for living ſtill in the external communion with the Church of *Rome*; which facts he urgeth as a defence of the Reformed's neceſſary relinquiſhing this communion. Again, I ſaid, *That no ſuch Spiritual authority can be conferred, or tranſlated to others, contrary to ſuch Church Canons*, &c. Elſe, whenever it is not contrary to theſe Canons, I grant that Inferior Councils, or Church-governors, or alſo Secular powers with their conſent, may change and alter many things, both in reſpect of Eccleſiaſtical perſons and affairs: therefore many caſes concerning the Kings of *England*, with ſuch conſent of inferior Councils or Church-governors, erecting or tranſlating Biſhopricks,

&c. (inſtanc'd in by Dr. *Hammond* or Biſhop *Bramhall*) are juſtifiable, where any were not contrary to the Laws of the Church, *i. e.* of ſuperior Councils: but in any other examples, where ſuch Laws are tranſgreſſed, either by the Prince, or alſo by their particular Clergy, the proving ſuch facts to have bin done, juſtifies not their lawfulneſs to be done, tho ſuch acts were done without any expreſs or preſent controul. Things being thus explain'd, I ſay, (to give a particular inſtance of the former propoſition), No Prince or Emperor, Heathen or Chriſtian, &c. can, for his own Dominions, diſſolve or abrogate the authority, concerning Eccleſiaſtical affairs, of thoſe Patriarchs or Primates conſtituted (or confirm'd) in the 6th Canon of the Council of *Nice*, (the Church not commanding obedience to Patriarchs at random, or to ſuch as the Secular Prince ſhould ſet over us; but alſo nominating and conſtituting, from time to time, the Sees, which had or ſhould have ſuch preeminence), if theſe be ſince by no other General Council revers'd: nor can any, who by that Canon is ſubjected (for inſtance) to the Patriarch of *Alexandria*, deny obedience in ſuch Eccleſiaſtical matters to him without Schiſm; tho his Secular Prince ſhould command the contrary, or ſubject him to another.

And if theſe things here ſaid be true, then alſo ſo far as the Biſhop of *Rome's* Authority is found to be confirm'd, in matters Spiritual, by the Church's Canons, and ancient cuſtom, over any Churches Provincial or National, it will be Schiſm for any ſuch Chriſtian Prince or People to oppoſe it; ſo long, till the like Council reverſeth it. Hence; to thoſe three pretended rights of the Roman Biſhop over the Church of *England*, whereby Schiſm is ſaid to be incurr'd, mention'd by Dr. *Hammond* (ſee *Schiſm* p. 138.) namely, his right 1. As St. *Peter's*

ter's Succeſſor; or 2. By converſion of the Nation to Chriſtianity; or 3. By the voluntary conceſſion of Kings; I ſuppoſe I may add a 4th, with his good leave; namely, his right by ancient Conſtitutions and Canons of the Church; and may rightly affirm, that if any ſuch right could be prov'd, the *Engliſh Clergy* muſt be Schiſmaticks in oppoſing it, tho all the other pretences be overthrown: For ſuch a ſort of Schiſm Dr. *Hammond* mentions p. 66. It may be obſerv'd indeed in our writers: That they freely determine; 1. That the Secular Prince hath a juſt external authority in Eccleſiaſtical affairs committed to him by God to enforce the execution of the Church's Canons upon all, as well Clergy as Laity, within his Dominions (a thing denied by none). 2. Again; That the Secular Prince hath no internal Eccleſiaſtical authority delegated to him by God, as to Adminiſter the Sacraments, to Abſolve, Excommunicate, *&c.* 3. Again, That the Secular Prince hath no juſt authority to determine any thing concerning Divine Truths; or perhaps other Eccleſiaſtical affairs without the Clergy's help and aſſiſtances. But whether ſuch Eccleſiaſtical Determinations, or Laws, are obligatory when the Prince makes theſe, being aſſiſted only with ſome ſmall portion of the Clergy, and oppos'd by the reſt; or alſo by a ſuperior Council, or Court Eccleſiaſtical: Or, whether the Prince, againſt theſe, provided that he have ſome leſſer number of Clergy on his ſide, may reverſe former Canons, or enact new, to oblige the Clergy and Laity under his Dominion: This they ſeem to me not freely to ſpeak to; moſtwhat to paſs over, and ſome of our later Writers, when they are forc'd upon it, rather to deny it. And indeed neither is there any thing in the Oath of the King's Supremacy (except it be in that general clauſe

[*I will*

[*I will defend all Jurisdictions, &c.*] granted), nor in the 37 Article of the Church of *England* (which treats of the King's power in Ecclesiasticals) that may seem to affirm or determine it. For whereas the Oath in general makes the King only supreme Governor in Ecclesiasticals, he may be so for some thing, and yet not for every thing (not therefore the supreme decider of all Divinity controversies). And whereas the 34th Article expounds the Supremacy thus, [That he is to rule all estates and degrees committed to his charge by God, whether they be Ecclesiastical or Temporal; and restrain with the Civil Sword the stubborn and evil-doers]: All this he may do, and yet be ty'd in all things to the Laws of the Church; and to leave to the Church's sole judgment who are evil-doers, or Heretical persons, *&c.* when any controversie ariseth in Divine matters, about the lawfulness of some Practice, or truth of some Tenet.

§ 39. *The Concessions of B.* Bramhall *and of Dr.* Hammond, *in this matter.*

Now let us search therefore, how far the concessions of Bishop *Bramhall* and Dr. *Hammond* may extend to the confirmation of the foresaid assertions. The Bishop (*Vindic. c.* 8. *p.* 232.) hath this proposition (indeed with application thereof to the Pope, as guilty therein), 'To rebel against the Catholick Church, and its repre-'sentative a General Council, which is the last visible 'Judg of controversies, and the supreme Ecclesiastical 'Court, either is gross Schism; or there is no such thing 'as Schismatical pravity in the world. *To rebel against such a Council; i. e.* against the constitutions thereof in affairs meerly Spiritual; therefore if their Canons establish such and such Patriarchates, to rebel against these will be Schism. So (p. 269.) he saith, 'In cases 'that are indeed Spiritual, or meerly Ecclesiastical (such

'as

'as concern the Doctrine of Faith, or Adminiſtration 'of the Sacraments, or the Ordaining or Degrading 'of Eccleſiaſtical perſons [I add, or thoſe mention'd but now § 38. which relate not to the Civil State, but meerly to the well-governance of the Church] 'Sove-'raign Princes have (and have only) an Architectoni-'cal power, to ſee that Clergy-men do their duties [*i.e.* according to ſuch Church-decrees]. Elſe, had Princes in ſuch matters a negative or deſtructive power, this would be the right of Heathen Potentates alſo; and the primitive Church guilty of Rebellion in diſobeying, in theſe things, their ſtricteſt prohibitions. Again (p. 257.) he ſaith; 'Thus neither the Papal power, 'which we have caſhier'd, nor any part of it, was ever 'given to any Patriarch by the ancient Canons; and 'by conſequence the ſeparation is not Schiſmatical. Therefore it ſeems it had been Schiſmatical, had ſuch power been given him by the Canons.

Now to view Dr. *Hammond*, —(*c.* 3. *p.* 54.) he ſaith, § 40. 'It is manifeſt, that as the ſeveral Biſhops had Præfecture 'over their ſeveral Churches, and over the Presbyters, 'Deacons, and People, under them; ſuch as could not 'be caſt off by any, without the guilt and brand of 'Schiſm; ſo the Biſhops themſelves of the ordinary in-'ferior Cities, were (for the preſerving of unity, and 'many other good uſes) ſubjected to the higher power 'of Archbiſhops, or Metropolitans. Nay, we muſt yet 'aſcend one degree higher, from this of Archbiſhops 'or Metropolitans, to that ſupreme, of Primates or Pa-triarchs; the diviſion of which is thus clear'd, *&c.*— And (p. 60.) 'The uppermoſt of the ſtanding powers 'in the Church, are Archbiſhops, Primates, and Patri-'archs, to whom the Biſhops themſelves are appointed 'in

'in many things to be ſubject; and this power [I add, and the particular Sees to whom it ſhall belong, 'and 'ſubjection defin'd and aſſerted by the ancient Canons; 'and moſt ancient (even immemorial Apoſtolical) tra- 'dition and cuſtom is avouch'd for it [I add, eſpecially 'for the eminency of the Roman See] as may appear, '*Conc. Nican. Can.* 4, 6.–*Conc. Antioch. c.* 9. *c.*20.–*Conc.* '*Chalc. c.* 19. *&c.* After all which, p. 66. of the ſame Chapter (the Title of which is, *Of the ſeveral ſorts of Schiſm*) he concludes, 'That there may be a diſobe- 'dience and irregularity, and ſo a Schiſm, even in the 'Biſhops, in reſpect of their Metropolitans, and of the 'Authority which theſe have by Canon and primitive cu- 'ſtom over them. Which was therefore to be added to the 'ſeveral ſpecies of Schiſm ſet down in the former Chap- ters. Where, tho the Doctor is pleaſed not to name particularly Patriarchs, yet the quotation p. 54. [*We muſt yet aſcend &c.*] and p. 60. ſhews you, that he, upon the ſame reaſon of Church-Canons and primitive Cuſtom, doth and muſt hold, that there may be a Schiſm alſo in the Metropolitans (and conſequently in all thoſe under the Metropolitans) in reſpect of their Patriarch. The uniting, as of ſeveral Dioceſſes in one Metropolitan, and of ſeveral Provinces and Metropolitans in one Pri- mate, ſo of many Nations and Primates in one Patri- arch, exceedingly conducing to the peaceable govern- ment and coheſion of the Church Catholick, and ſup- preſſion of Hereſies and Schiſms, oft'ner National, than Dioceſan only, or Provincial. *Quæ vero eſt cauſa* (ſaith *Grotius* in his firſt Reply upon *Rivet. ad Art.* 7.) *cur, qui opinionibus diſſident inter Catholicos, maneant in eodem corpore, non rupta communione; contra, qui inter Proteſtantes diſſident idem facere nequeant, utcunque multa de dilectione fraterna loquantur? Hoc qui recte expenderit inveniet, quan-*

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ta ſit vis Primatus. Which Primacy St. *Hierom* obſerves, even amongſt the Apoſtles themſelves (*adverſus Jovinianum l.* 1. *c.* 14.) *Super Petrum fundatur Eccleſia; licet id ipſum in alio loco ſuper omnes Apoſtolos fiat; & cuncti claves regnorum Cœli accipiant, & ex æquo ſuper eos Eccleſia fortitudo ſolidetur: tamen, propterea, inter duodecim unus eligitur, ut capite conſtituto, ſchiſmatum tollatur occaſio.* *Capite*, that is, not only in dignity, but alſo in ſome authority; elſe can ſuch Head not remedy Schiſms. Patriarchs therefore, as well as Metropolitans, much conducing to the removing of Schiſms, and preſerving the Church's unity, I ſuppoſe, whatever the Prince or Emperor ſhould attempt againſt ſuch Metropolitan or Patriarch, either to oppoſe him in the managing of thoſe ſpiritual matters, and to deny him to exerciſe (either by himſelf or his Miniſters) his juriſdiction in any Province which is by Church Canons ſubjected unto him, or to depoſe him from his See, or to transfer his authority and juriſdiction on ſome other, whom he more approves of (as if *Valentinian*, much affected to the *Arrians*, ſhould have transferr'd St. *Ambroſe* his Archiepiſcopal juriſdiction upon *Auxentius*, an *Arrian* Biſhop, whom he much affected; as his Mother *Juſtina*, I think, actually did, wanting only poſſeſſion of the Church; which *Ambroſe*, aſſiſted alſo by the people, ſtoutly reſiſted) yet ſtill according to Dr. *Hammond's* judgment, as long as the Canons of the Church remain the ſame, it would be Schiſm in any to diſobey ſuch Metropolitan (or to ſide with the Prince), and Schiſm in the Prince himſelf as well as in the reſt. Again, —*S. W.* replying thus upon theſe words of his (*Schiſ.* p. 125.) [the Canons of Councils have moſtly been ſet out, and receiv'd their authority by the Emperors]; 'That never was 'it heard, that an Emperor claim'd a negative Voice

'in making a Canon of a Council valid, which concern'd 'matters purely ſpiritual; nay, not diſaccepted them 'decreed unanimouſly by the Fathers, but all the world 'look'd upon him as an unjuſt and tyrannical Encroacher. To this Dr. *Hammond* (*Anſ. to Schiſm Diſarmed* p. 203.) ſpeaks thus; 'For the appendage *&c.* I need 'not reply; having never pretended, or ſeem'd to pre-'tend, what he chargeth on me concerning the Empe-'ror's negative Voice in the Council: what I pretended 'I ſpake out in plain words [that the Canons have bin 'moſtly ſet out, and receiv'd their authority, by the 'Emperors, (and this receiving their authority is (I 'ſuppoſe) in order to their powerful reception in their 'Dominions) and this he acknowledgeth—and ſo we 'are Friends. Thus Dr. *Hammond.* Now all that which *S. W.* there acknowledgeth, is, 'That the ſupreme 'Secular power is oblig'd to ſee, that the Church's De-'crees be receiv'd, and put in execution. By Dr. *Hammond*'s conſent then, a negative Voice the Prince hath not, to reverſe or contrary the Church's Canons in ſpiritual matters; only he thus may be ſaid *to give authority to them* (methinks the phraſe is very improper, and liable to be miſtaken) to ſee them in his Dominions to be put in execution. Note, that what is ſaid here of the Secular Prince, is alſo to be ſaid of any particular Clergy, in reſpect of ſuperior Councils. Again, that what is ſaid of the Prince or Clergy of the ſame Age, wherein ſuch Canons are enacted, is to be ſaid of their ſucceſſors, till the ſame authority which impoſeth, abrogate ſuch Canons. (As in Civil Governments the ſame Laws which bind the Parents, bind the Children, without the Legiſlative power's asking their conſent).

Many,

§ 41. *Several pretences to weaken such Canons (to me seeming) vain.*

Many, I find, are the shifts to get loose from these Canons, and such links of Church-relations; many the pretences to null their force; but to me seeming invalid and vain.—*Grotius* (*Disc. Riv. Apol. p.* 69.) bringing forth against *Rivet* the testimony of *Blondel*, [*non negari a Protestantibus dignitatem Sedis Apostolicæ Romanæ; neque primatum ejus super Ecclesias vicinas; imo aliquatenus super omnes; sed referri hoc ab iis ad jus Ecclesiasticum*]. *Rivet* (*Grot. disc. dialys.*) thus replies to it; —Ad jus Ecclesiasticum; *Hoc est, ad institutum humanum: Quo postea abusi sunt Episcopi Romani ad Monarchiam stabiliendam. Itaque quod ab hominibus initio concessum, cum ad jus Dei evertendum postea fuerit conversum, merito possessoribus injustis denegatur.* (See the same plea in Bishop *Bramhall*, *Vindic.* p. 252. *&c.*) That *Institutum Ecclesiasticum* is *jus humanum*: True. And that it may be taken away: True. By the Church, that conferr'd it; *i.e.* by another General Council, but not by Laicks, or some few Eccleſiasticks. and may be denied *injustis possessoribus*. True; so much as they possess unjustly; *i.e.* contrary to Canon.

§ 42.

Those plea's also, which Bishop *Bramhall* (*Vind.c.*9.) makes in answer to that objection, [That the *English* have cast off Canonical obedience,] seem to me very infirm: As this, (p. 257.) 'Since the division of *Brit-*'*tain* from the Empire, no Canons are, or ever were, 'of force with us, further than they were receiv'd, and 'by their incorporation became Britanick Laws. True; as to any Secular coactive power in the execution of them, which is deriv'd only from the Prince. Like unto which is that passage, p. 268. 'We draw, or de-'rive, from the Crown, liberty and power to exercise 'actually and lawfully upon the subjects of the Crown,

'that habitual juriſdiction which we receive at our Or-
'dination. And that in Reply to B. *Chalced. c.* 7. p 291.
'That Eccleſiaſtical perſons, in excommunicating and
'abſolving, are the King's ſubſtitutes; *i. e.* (as he ex-
'pounds himſelf afterward) by the King's application
'of the matter; namely, his Subjects, to receive their
'abſolution from ſuch Eccleſiaſtical perſons. No more true, than that any King's Subjects may not lawfully receive Baptiſm, or turn Chriſtian, without his Licence. Some or other Clergy may and ought to do theſe things, both Preach, Baptize, Abſolve, and Excommunicate, in any Prince's Dominions, as their duty ſhall require, tho the Prince gain-ſaying. Of many Clergy capable to do it, that one of them, not another, ſhall be nominated and admitted to do it, may belong to Princes. Are then the Canons and Conſtitutions of the Church, made in her repreſentative (a General Council) not obligatory to the ſeveral members of the Church, (I mean, as to the extent of Eccleſiaſtical Cenſures upon Delinquents,) ſave where their temporal Soveraign firſt admits them? What if theſe be Heathen? What if Heretick? Again, if the actual exerciſe of their Office be held from the Crown; then have they no authority over any Nation or Province, if the Secular power deny it them: And what Secular power deny'd it not in the primitive times? Or is this a priviledge of Chriſtian Princes only over God's Clergy, not of Heathen? Do Chriſt's Miniſters gain this by converting Kings to the Faith, that they loſe their former power over their Subjects? But what if ſuch Chriſtian Prince prove Heretical or Schiſmatical? What if he ſilence or baniſh the Orthodox, are they to obey Him now rather than God? Is their Commiſſion from Chriſt, to *go and teach all*, and conſequently that, *Nation*, upon ſuch a Prince's Edict voided,

ed, or lying dormant? And may they now forbear ſpeaking the things which they have heard? *We cannot but ſpeak* (ſaid the Apoſtle, when the Magiſtrate ſilenc'd them) *Act.* 4.20. The ſame thing may be ſaid of the unlawfulneſs of Princes prohibiting any authorized for this purpoſe by the ſupreme Magiſtrates of the Church-Catholick, from entring their Dominions (except thoſe who are known to be ſent on ſecular deſigns). So (ſuppoſe in a State over-run with *Arrianiſm* or *Socinianiſm*) an Heretical Prince cannot juſtly forbid the entrance of Patriarchal Miſſions to reduce him and his Subjects to Truth. And again, an Orthodox Prince cannot reaſonably exclude ſuch Miſſions, who conſent with him in judgment, and whoſe intendments are ſpiritual.— As this alſo, p.256. 'The King and the whole 'Body of the Kingdom, by their Legiſlative power ſub-'ſtracting their obedience from a juſt Patriarchal power, 'and erecting a new Patriarchate within their own Do-'minions, it is a ſufficient warrant to all *Engliſh* men, 'to ſuſpend their obedience to the one, and apply them-'ſelves to the other. May then Princes and States, in Eccleſiaſtical affairs, make Laws contrary to thoſe of the Church? Or, have they a Legiſlative power in Spirituals, contrary to General Councils? I had thought their power had in theſe things been only Architectonical; to ſee things done according to the Church-Decrees. And may they nominate Patriarchs contrary to thoſe the Church elects? Or may ſome ſmall part of the Clergy do theſe things againſt all the reſt of their Body? Or, the Prince, or that particular Clergy erring in thus doing, are the people oblig'd to, or excuſed in following, them in their error?— As this, p.254. 'The 'ſentence of the Law, and the notoreity of the fact are 'ſufficient [*i. e.* for inferiors to deny their obedience

'to

'to Superiors] the ſentence of the Judge [*i.e.* of a Ge-'neral Concil] is not neceſſary. We know who have lately made uſe of ſuch principles, of Inferiors judging of the evidence of laws, and facts, to the confuſion and deſtruction of a moſt flouriſhing temporal Kingdom. Are inferiors then not liable to be miſtaken, and plead clear ſentence of law, and notoreity of fact, where others as judicious think there is no ſuch matter? But whither tends this? That if we find the Patriarch clearly uſurping ſome power the Church-canons have not given him, we are thence-forth free from yeilding any obedience alſo to that authority which the Canon hath given him. Apply this to a temporal Governor, and it ſeems an unreaſonable conſequence. and we are convinced in it by the example of many Nations, who having made reſiſtance to their Patriareh in ſome injunctions, conceived by them not Canonical, yet continue ſtill their obedience in the reſt. Conſider the late conteſt of the State of *Venice*, and the preſent oppoſals both of *France* and *Spain* in ſome matters (See *Vind.7.c.*) How can the Biſhop then reaſonably make uſe of thoſe examples, wherein (*Vindic.7.c.*) he hath copiouſly ſhewed other Princes, caſting off the Pope's uſurpations and oppreſſions, to have retained ſtill ſubmiſſion to his Supremacy, to prove or countenance, that *Hen.* 8. might lawfully caſt off, both thoſe, and alſo his Supremacy? Eſpecially ſince it cannot be ſhewed, but that it is abſolutely in his power, who hath the ſword, to caſt off only ſo much as he pleaſeth, and retain the reſt. Unleſs the ſword in *England* cannot divide uſurpations and lawful rights, as beyond the Seas now it doth, and did here before *Hen.*8. but muſt neceſſarily cut off both at once. —As this (*p.*253) "When a Steward choſen in 'truſt by his fellow-ſervants, violates his truſt, and uſurps

'ſurps a dominion *&c*, it is not want of duty, but fide-'lity, [*for ſuch ſervants*] to ſubſtract their obedience from him.– But what, when moſt of the ſervants ſay, he doth no ſuch thing in thoſe matters, wherein the reſt accuſe him; and therefore continue their obedience to him? and alſo the Maſter of the houſe, for the peace of his family, hath ordered, that the reſt in all differences ſhall be ſwayed with the votes of the major part? ſhall not this ſmall part, in departing from the whole, and rejecting their governour, and ſetting up another Steward of their own, or every one aſſuming to be his own Maſter, be held guilty of making a diviſion in the family? —So (*p.*129. and *p.*134.) "Many extortions and 'rapines, and violations of rights, both Civil and Eccle-'ſiaſtical, committed by ſuch Patriarchs,— are urged: But will theſe things, done contrary to the Canon, make a rejection of Canonical obedience to ſuch authority lawful? Is it a good argument, againſt a King; He hath bin tyrannous, or done many things againſt law, therefore depoſe him and his ſucceſſion, or hereafter yeild him no obedience, where due by the laws? Or, againſt Biſhops; They have uſurped ſome unjuſt power, or, otherways much violated their function; therefore root out Epiſcopacy, and yeild no more, tho never ſo Canonical, obedience unto them? Thus, as we have meaſured to others, it hath bin meted to us again. But, if it be meant, That obedience, ſuch as is Canonical, to Patriarchs, infers the violation of any civil rights; the contrary I think is ſhewed elſewhere (in *Authority of Clergy derived from Chriſt*,) more at large, whither I remit you. tho perhaps this may be enough to anſwer it, That General Councils, who made the Canons, were of the contrary opinion to him. Nay, if it ſhould be ſaid, that ſuch preeminences, as, not the Canon

non, but only ſome of the Roman writers, more obſequious to the Papacy, give to the Biſhop of *Rome*, are injurious to Civil rights: yet the Biſhop himſelf, after ſome vehemency againſt them, ſeems to wipe off this aſperſion in ſaying thus. *(Vindic. 8. c. p. 243.)* "The 'beſt is; that they, who give theſe exorbitant privi-'ledges to Popes, do it with ſo many cautions and reſer-'vations, that they [*ſuch priviledges as they give him*] 'ſignify nothiug, and may be taken away with as much 'eaſe, as they are given.— Which afterward he ſhews in the particulars of his Infallibility, and his temporal power. Did Popes practiſe therefore only what theſe write, much wrong could not be done. —Again, in his *Replication to Biſhop of Chalced. p.* 230. tis urged, '—That to whom a Kingdom is granted, all neceſſary 'Power is granted, without which a Kingdom cannot 'be governed: and (*p.*238.) that had the *Britannick* 'Churches bin ſubjected to the Biſhop of *Rome* by Gene-'ral Councils, yet it had bin lawful for the King and 'Church of *England* to ſubſtract their obedience from 'the Biſhop of *Rome*, and to have erected a new Primate 'at home amongſt themſelves, upon the great mutation 'of the ſtate of the Empire, and great variation of affairs 'ſince thoſe times.– For to perſiſt *(ſaith he, p.* 241.) in 'an old obſervation, when the grounds of it are quite 'changed; and the end, for which the obſervation was 'made, calleth upon us for an alteration; is not obedi-'ence, but obſtinacy. And, (*p.* 243.) We purſue the 'ſame ends with them, [i.e. *General Councils*] —that is, 'the conforming of the one regiment [i. e. *the Eccleſia-'ſtical*] to the other, [i. e. *the Civil.*] Thus he; for Princes taking away the Biſh. of *Rome's* authority, (ſuppoſing General Councils had conferred any upon him) Yet, *p.* 293. ſpeaking of that clauſe in the oath of Supremacy,

premacy, [*that no foreign Prelates ought to have any juriſdiction within this realm,*] he ſaith, *A General Council is neither included here, nor intended.)* To which tis eaſily anſwered; That there is no Church-canon detracting, from Princes, any of that power, without which a Kingdom is not governable; that the diviſion of one Empire into many Dominions, doth not neceſſarily require any alteration of the Oeconomy of the Church, as appears in thoſe States, which conforming to theſe Canons, ſtill ſubſiſt and flouriſh, without any diſturbance of the civil peace. (But *Quære*, whether the throwing-off theſe Canons, hath not bin the deſtruction of a Kingdom; whoſe ruin took its beginning from diviſions in Religion.) –That the Church's end in conſtituting, I ſay not of Metropolitans or Primats, but of ſuperior Patriarchs above them, and of an Eccleſiaſtical Supreme, (to whom, from ſeveral countreys, might be the laſt appeal of greater controverſies in Religion) was not the conforming of the Eccleſiaſtical government to the Civil, (which end the Biſhop pleads,) but the conſerving of the Church, tho ſojourning under never ſo many temporal Scepters, ſtill as one body and government united in it ſelf, free from being divided and cantonized. Which end is fruſtrated, if ſo many Princes as there are, there become ſo many independent Eccleſiaſtical Supremes. Nay, but rather, the more the Civil Governments are multiplied, the more need there is in the Church of but one, or a few, Supremes. That there may not be ſo many modes or ſects in Chriſtianity, as there are Princes. So *Vindic.p*,145. Many inconveniences by foreign juriſdiction are urged: That (as the 'Biſhops of *Rome* exerciſed it) it was deſtructive to the 'right ends of Eccleſiaſtical diſcipline, which [*diſcipline*] 'in part is to preſerve publick peace and tranquillity,

'to retain ſubjects in due obedience, and to oblige peo-
'ple to do their duties more conſcientiouſly.- (See likewiſe *p.* 146.) To the actual exerciſe of the foreign juriſdiction of Patriarchs I have nothing to ſay: as one Patriarch may uſe it culpably, ſo the next may uſe it juſtly. But the foreignneſs of the juriſdiction is no way guilty of the things here objected. Nay, where are theſe ends of diſcipline more failed, than where this Patriarchal juriſdiction hath bin baniſhed? Do not we ſee in other Kingdoms, not deſerting the Patriarch, the things above-named, both Royalty and Epiſcopacy, peace in the State, and in the Church of ſuch countreys, better preſerved? What former Prince, or Clergy, of this Kingdom, under the Patriarch's obedience, (take him with all his faults,) have ſuffered more, than theſe in our days have done, ſince that yoke broken? What ſubject, trained up in his Principles, hath bin ſo diſobedient? But 2*ly*; Is any one free from a Law or Canon, to eject it, when he can give ſome reaſon that it is inconvenient? Or, did not the wiſdom of thoſe, who eſtabliſhed ſuch Canons, and ſuch ſubordination to Patriarchs, ſee their juriſdiction (for example, in reſpect of *Africk*) to be foreign, and weigh the inconveniences thereof, as well as we now do? but they weighed theſe together with the benefits, ſerving for preſerving unity; for doing more entire juſtice being leſs engaged; for deciding controverſies more truly, being perſons of more eminent wiſdom, enabled with a more ſelected Council, *&c.* (See before, §.14.) And now have other Nations loſt their reaſon, who, notwithſtanding the foreignneſs of the juriſdiction, in obedience to the Church-canons, ſubmit to this power? "But what if a Patriarch "ſhould change the Bible into an Alcoran, (as he urgeth elſewhere, *Reply to Biſhop of Chalced.*) "ſhould, in Spi-

Spiritual matters miſguide us? I anſwer, when you can find any to obey, who may not be faulty in his government, leave the Patriarch, and go to him. Are we more ſecure, then, under the Supremacy of a Secular power? or of ſome other Archbiſhop? What if the Secular power throw down Biſhops, deſtroy the publick Liturgies, ſilence the orthodox Miniſtry, *&c*? And what if the Archbiſhop change the Bible? or will we be our own Supreams, and blot out the name of Canonical obedience?

§ 43. In the next place Dr. *Hammond*'s plea (*Schiſm 6. c. p.* 115.) ſeems to me not true, nor his proofs and inſtances ſufficient, and the aſſertion in the conſequences thereof dangerous to the government and unity of the Church Catholick: where he ſaith, 'That it is, and 'hath always bin, in the power of Chriſtian Emperors 'and Princes, within their Dominions, to erect Patriarchats, or to tranſlate them from one city to another. 'And therefore (ſaith he) whatever title is ſuppoſable to 'be acquired by the Pope in this Iſland, upon the firſt 'plantation of the Goſpel here, [*whatever:* I will therefore ſuppoſe his title to have bin from ancient Church-canon and cuſtom, whereby he hath bin confirmed Patriarch of the Weſtern Provinces; I ſay, not that ſuch a thing was, now, but ſuppoſe ſuch a thing were,] this 'cannot ſo oblige the Kings of *England* ever ſince, but 'that they may freely remove that power from *Rome* to '*Canterbury*, and ſubject all the Chriſtians of this Iſland 'to the Spiritual power of that Archbiſhop or Primate, 'independently from any foreign Biſhop.– I ſay, this *Theſis* ſeems to me very untrue; if he mean, That Princes may do any ſuch thing by their own juſt power, without the authoritative concurrence of the Church,

or contrary to her former Canons and ancient Cuſtoms, (as his inſtancing in *Ravenna* and *Juſtiniana prima*, and *Carthage*, and *Grado*, formerly under the juriſdiction of the *Roman* Patriarch, imply, that he means thus); For example: I ſay, it is not lawful, ſuppoſing ancient Canons or immemorial cuſtom (to uſe his own word) of the Church, had made the *Roman* Biſhop Patriarch of the Weſt, or of *France*, for the King of *France* either with or without the conſent of his own particular Clergy within his Dominions, to erect a new Patriarchate, or elect another Patriarch. This I think is plain from the Diſcourſe and the Conceſſions preceding. And he ſeems to ſay the like himſelf (*Anſwer to Schiſm Diſarm'd*, p. 164.) 'A power Princes have to erect Metro-'poles; but if it be exercis'd ſo as to thwart known 'Canons and Cuſtoms of the Church, this certainly is 'an abuſe. Thus he. But how it coheres with what elſe is ſaid there, I ſee not. But if ſecular Princes have ſuch power to ſet up Patriarchs within their own Dominions, I ask, whether General Councils have not alſo the ſame; and that within the ſame Dominions of Secular Princes? Will he deny this power to Councils, or at leaſt their power to do it within the Secular Prince's Dominions? But then the Church hath no power to do it at all. For where are the Church's Subjects, for whom ſhe makes Laws, as ſhe thinks fit, but under the government of ſome or orther Secular Power? But the contrary of theſe things is moſt evident; and many are her canons to this purpoſe. The Council of *Chalcedon*, the ſame, upon two Canons of which *Balſamon* founds, and by which the Doctor proves, this authority of Princes to make Patriarchs, did erect *Conſtantinople* into a Patriarchy next to *Rome* (which alſo was done before by *Conc. Conſtant.* 1. but not confirm'd by the *Roman* and

Occi-

Occidental Biſhops): and this not only to an empty Dignity, or precedency in place, but to a real juriſdiction over ſome of the Emperor's Provinces, to receiving and judging appeals, *&c.* ſee *Conc. Chalc. Act.* 16. and *Can.* 9. and 16. And when the Biſhop of *Rome* much oppoſed this Act of the Council, the Emperor then making *Conſtantinople* the Seat of his Empire, and much deſiring the advancement of its Biſhop, yet appeared not at all in this promoting of him, nor claim'd any ſuch right as due to him; tho this happen'd long after *Valentinian* is pretended to have advanc'd *Ravenna* to a Patriarchſhip, and independency on *Rome*. Nor the Council, in their Letter to *Leo* (ſee *Act.* 3.) pleaded any ſuch power as belonging to the Emperor at all (but to themſelves) only they ſay, *Nos curantes tam piiſſimos & Chriſti amicos Imperatores*, qui ſuper hoc delectantur, *quam clariſſimum ſenatum, &c.* and *ſic enim & pii Principes complacebunt, &c.* This power then cannot with any modeſty be deny'd to Councils. If both of them then have this power, and that in the ſame place (as I have ſhew'd it muſt be) what if they diſagree? Suppoſe the one gives *Rome* juriſdiction over *Ravenna*, the other exempts it, and makes *Ravenna* ſupreme for it ſelf; who muſt be obey'd? If the Prince may reverſe what the Council hath done, then their Canons in theſe Spiritual matters are ſubordinate to his Edicts; then [*Sedes Romana in omnibus & per omnia prima.*] (*Conc. Chalc. Act.* 16.) holds no longer than during the Emperor's pleaſure. Then why ſo much courting *Leo*'s conſent for a thing in the Emperor's gift? Or doth Dr. *Hammond* here mean only a power in Princes to make ſome inferior Patriarchs, ſubordinate not only in Dignity, but Juriſdiction to theſe ſupreme ones (as the name of Patriarchs in ſome times hath been communicated to

infe-

inferior Biſhops): But then this Theſis of his, if true, will ſerve little to his purpoſes, as long as he leaves his Patriarchs under the yoke of a ſuperior? You ſee how I caſt about, and yet cannot ſet theſe things ſtreight. The Doctors proofs for what he ſaith are theſe:

§. 44. 'The Emperor *Juſtinian*'s erecting *Juſtiniana Prima* 'into a Patriarchate, with independency on *Rome*, and 'afterward *Carthage* to the like priviledges: And, the 'Emperor *Valentinian's* conſtituting *Ravenna* an inde-'pendant and Patriarchal Seat. To which inſtances, ſee what I have ſaid before in this Diſcourſe, § 30. and what authority the Weſtern Patriarch exerciſed over the Doctor's Patriarchs, both after *Juſtinian's* days, and before; which argues either them not made Patriarchs in ſuch an independency on any ſuperior, as the Doctor imagines; or the Emperor's act diſobey'd by the Weſtern Patriarch, as contrary to the Canons. As for the reaſon he gives, to ſecure the lawfulneſs thereof (*Anſw. to Schiſm Diſarm'd* p. 112.) ('becauſe never 'check'd at, nor noted as an intrenchment on the juriſ-'diction of the Church of *Rome* (that we diſcern, or 'is pretended) either by any Council, or by any Biſhops 'of the Church then living:) It ſeems many ways inſufficient; becauſe, if there be a Canon prohibiting it, hence it will become unlawful: and many things may be unlawfully done, and yet not actually queſtion'd and condemn'd: And again, may be condemn'd; and yet not this condemnation recorded: Yet is there record enough of the condemning of any ſuch Supremacy in thoſe Biſhopricks, in the authority we find uſed over them ſtill by the *Roman* Patriarch. Next, he urgeth the 12th Canon of the Council of *Chalcedon*, as intimating, that this Prince's making Patriarchs was a frequent (I ſuppoſe he means, and allow'd of by the Church) uſage

uſage in the Eaſt, at that time. And after this, the 17th Canon *Conc. Chalc.* and *Can.* 38. *Conc. Conſtant. in Truſſo.* 'Which Canons (he ſaith *Schiſ. p.* 119.) do 'more expreſly attribute this power to the Prince; or yeild it to be a power belonging to the Prince. But being a little exagitated for this by the Replier; eſpecially when *Balſamon* (whoſe judgment the Doctor much followeth) ſaith, the Church by theſe Canons conferr'd this power on the Prince; he (in his Anſwer to him p. 174) ſaith thus: 'Whether it were from 'God immediately conferr'd on them, and independantly from the Church; or whether the Church, in any 'notion, were the *medium* that God uſed now under 'the Goſpel to confer it on them, truly I neither then 'was, nor now am, inclined, either to enquire, or take 'upon me to determine. Now to ſee what may be deduced from them, in this matter of no ſmall moment, I will tranſcribe you theſe three Canons.—*Conc. Chalc. can.* 12. *Pervenit ad nos, quod quidam, præter Eccleſiaſticos ordines, affectantes potentiam per pragmaticam ſacram* [*i.e.* by an Imperial Conſtitution] *unam Provinciam in duas dividant, ita ut ex hoc inveniantur duo Metropolitani Epiſcopi in eadem, una, eſſe Provincia. Statuit ergo ſancta Synodus deinceps nihil tale attentari a quolibet Epiſcopo. Eos vero qui tale aliquid attentaverint, de proprio gradu cadere. Si quæ vero antea civitates per pragmaticum* [alias, literis Imperialibus] *Imperialem Metropolitani nominis honore decoratæ ſunt, nomine ſolo perfruantur: & qui Eccleſiam ejus* [Civitatis] *regit Epiſcopus* [*i.e.* nomine ſolo Metropolitani perfruatur,] [Salvis ſcilicet veræ Metropoli privilegiis ſuis]. *Privilegio Metropolitano Epiſcopo jure proprio reſervato.*—*Can.* 17. [Statutum eſt, *or* decrevimus, *alias* ſingularem Eccleſiaſticarum ruſticas Parochias] *Per ſingulas Eccleſias ruſticanas Parochias ſive poſſeſſiones*

ſeſſiones manere immobiles apud eos Epiſcopos, qui eas retinent, &c.—Si vero quælibet Civitas per authoritatem Imperialem renovata eſt, aut ſi renovetur in poſterum, civilibus & publicis ordinationibus etiam Eccleſiaſticarum Parochianarum ſequatur ordinatio.—In another Copy; *Si qua vero civitas poteſtate Imperiali novata eſt* [*i. e.* noviter conſtructa] *aut ſi protinus innovetur, civiles diſpoſitiones & publicas Eccleſiarum quoque Parochiarum ordines ſubſequantur.—Conc. Conſtant. in Trullo, can.* 38. *—Canonem, qui a Patribus factus eſt* [referring to this Canon *Conc. Chalc.*] *Nos quoque obſervamus, qui ſic edicit: Si qua civitas a regia poteſtate innovata eſt vel innovabitur, civilem ac publicam formam Eccleſiaſticarum quoque rerum ordo conſequatur.* In the firſt of theſe, *Conc. Chalc. c.* 12. there is the Emperor by his Letters making another City (upon the ambition and ſolicitation of the Biſhop thereof) Metropolitan in a Province, wherein there was a Metropolitan already; but this fact of the Emperors diſallow'd by the Council, as a thing againſt Canon, (which Canon was, as the Doctor acknowledges, That there ſhould be but one Metropolitan of one Province) and order'd, that, for the future, whatever Biſhop ſought ſuch a thing ſhould be degraded; and for what was already paſt, that the City and Biſhop ſhould enjoy the Title of Metropolitan, but none of the Priviledges; but that theſe be ſtill retain'd to the former Metropolitan. When-as the Doctor pretends, it was the Prince's right, both to confer the Title and the Priviledges of Metropolitan on what City he pleaſed. One would think then, according to this the Doctor ſaith, That the Council, if the Biſhop were faulty and offended againſt the Canon, in ſoliciting ſuch a thing, ſhould puniſh him only; another perſon, whom they approv'd, being ſubſtituted in his place to enjoy the rights, which the Prince

Prince had conferr'd upon it; and not, that they ſhould by their authority (as if theſe things were in their diſpoſal, not in the Prince's) continue the Title only, and reverſe the Priviledges, and fix them to their former poſſeſſors. The Biſhop might have been puniſh'd, and yet not the Emperor's act reſcinded by them, as to the new Metropolitans power or priviledges; as it is plain, it was. Yet Dr. *Hammond* makes uſe of this Canon (by ſhewing ſuch things were then done by Princes) to prove, that ſuppoſe the Biſhop of *Rome* were Patriarch of *France*, yet the King of *France* might lawfully make the Biſhop of *Paris* Patriarch, and confer the Pope's priviledges on him. This *S. W.* (replying upon his Treatiſe of Schiſm) wonders at; and the Doctor endeavours to clear all, in following *Balſamon's* judgment, and diſtinguiſhing between the Prince's erecting ſuch a Metropolitanſhip αὐθορμήτως, of his own motion, when (he ſaith) it ſtands good: Or upon baſe ſolicitation, when the Council (it ſeems) may reverſe it. But I ask; when ſuch a thing is *done of his own inclination*, ſtands it good, if againſt the Canon [that there ſhould be but one Metropolitan in one Province]? if ſo, what means he to ſay (*Anſw. p.* 164.) 'A Prince's 'power to erect Metropoles, if exerciſed ſo by him, as to 'thwart known Canons and Cuſtoms of the Church, 'this certainly is an abuſe. And again (p. 165.) 'Such 'power ſtands valid to all effects, if duly exercis'd by 'him, without wrong to any, [*i.e.* other Metropolitan.] As for that which is urged from the Canon of a Council held under *Alexius Comnenus*, an Eaſtern Emperor after 1080, what is eſtabliſh'd by ſuch a Synod, not General, is too weak to overthrow any former rights of the Church. Neither is *Balſamon's* (a later *Greek* Writer's) authority much to be ſtood upon in this controverſie.

ſie. Neither ſpeaks he home in this point, whether the Patriarch is to admit what the Emperor doth οἰκοθεν after he hath repreſented to the Emperor, that it is againſt the Canons. Thus much of the 12th Canon. In the 17th Canon, and the 38th *in Trullo* : Here is only (upon the Emperor's building a new City, (or perhaps upon his transferring the Civil right and priviledges of having the ſeats of Judicature, *&c.* from one City in a Province unto another), and upon this ſubjecting ſome other inferior Cities or Towns (call'd *Parochia's*) when being the juriſdiction of an ordinary Biſhop, (ſee *Hammond Schiſm* p.57.) unto it) ; the ſubjecting alſo of the Biſhops of thoſe *Parochiæ* under that City, to the Biſhop of that City. Where note, Firſt, that theſe Canons ſpeak only of the ſubjecting of Parochial Biſhops to new Metropolitans, where new Cities are builded ; and not of altering any thing in the juriſdiction of old ; which the 12th Canon of the ſame Council ſo expreſly oppoſeth. Secondly, Only of ſubjecting Parochial Biſhops to new Metropolitans ; not of ſubjecting Metropolitans to new Patriarchs, nor yet to new Primates. For 'tis moſt clear, that this very Council, that made this Canon, never dreamt of any power the Emperor had to erect a new Patriarch (as I have ſhew'd before § 43.) and much leſs *Leo* the Biſhop of *Rome*, who confirm'd theſe Canons ; yet vehemently oppoſed the Council ſeeking to erect *Conſtantinople* into a Patriarchy ; much more would he have oppoſed the Emperor. Thirdly, Whatever priviledge the Emperor here receives ; methinks their ordering that ſuch a thing ſhould be done [*ſubſequatur*] is far from ſounding, that they yeilded ſuch a thing to belong to the Emperor by right, as Dr. *Hammond* expounds it (*Schiſ.* p. 119.) But then, if the Emperor hold ſuch privi-

priviledge from the Church, the Church, when they pleaſe, may reſume this power; for ſo himſelf argues, concerning any priviledges which Secular Princes have formerly conceded to the Biſhop of *Rome*; and then hear, what the 21th Canon of the 8th General Council ſaith (if we will truſt later Councils, not far diſtant in time, better to underſtand the conceſſions of former), *Definimus neminem prorſus mundi potentium quenquam eorum, qui Patriarchalibus ſedibus præſunt, inhonorare, aut movere a proprio throno tentare. Sed omni reverentia & honore dignos judicare, præcipue quidem ſanctiſſimum Papam ſenioris Romæ, &c.*

As for the things mention'd afterward by the Doctor, (p. 120, *&c.*) the power of changing the ſeat of a Biſhop, or dividing one Province into many; as likewiſe, the preſenting of particular perſons to ſeveral Dignities in the Church, which alſo private Patrons do, without claiming any ſuperiority in Church-matters, (ſome of which ſeem of ſmall conſequence as to Eccleſiaſtical affairs): Yet are not theſe things juſtly tranſacted by the Prince's ſole Authority, without the approbation firſt of Church-Governors: But the ſame things may be acted by the Church alone, the Prince gain-ſaying; if he be either Heathen or Heretick, (which alſo ſhews his power when orthodox, in the regiment of the Church, to be only executive and dependent on the Eccleſiaſtical Magiſtrate's). No perſons are, or at leaſt ought to be put into any Church-dignities, without the authoritative conſent and concurrence of the Clergy; who, if they reject ſuch perſons (tho preſented by Princes) as unorthodox, or otherwiſe unfit, they cannot be inveſted in ſuch Offices. Hear what the 8th General Council ſaith of this matter, *Can.* 22. *Sancta & univerſalis* § 45.

ſalis Synodus definit, neminem Laicorum principum vel potentum ſemet inſerere electioni vel promotioni Patriarchæ, vel Metropolitæ, aut cujuſlibet Epiſcopi, ne videlicet, &c. Præſertim cum nullam in talibus poteſtatem quenquam poteſtativorum vel cæterorum Laicorum habere conveniat.-Quiſquis autem ſæcularium principum & potentum vel alterius dignitatis Laicæ adverſus communionem ac conſentaneam atque Canonicam electionem Eccleſiaſtici ordinis agere tentaverit, Anathema ſit. The tranſplanting of Biſhopricks, and diviſion of Provinces, probably was never order'd by Princes; but either firſt propos'd, or aſſented-to, by the Clergy (ſee that inſtance of *Anſelm*, *Hammond* of *Schiſ.* p. 122.) or upon ſome more general grant, indulgently made to ſome pious Princes from the chief powers of the Church. Tho Hiſtorians commonly in relation of ſuch facts, mention only the King's power, as by whoſe more apparent and effectual authority ſuch things are put in execution: in which things negative arguments [that ſuch perſons, as are not mention'd, did not concur; eſpecially when they are mention'd to concur in ſome other acts of the ſame nature] are very fallacious. But imagine we once the power of erecting Patriarchies and Primacies, and by conſequence of the bestowing and transferring the ſeveral priviledges thereof, ſolely caſt into the hands of a Secular Prince, and then this Prince not orthodox (a ſuppoſition poſſible); and what confuſion and miſchief muſt it needs produce in ſuch a body as the Church; ſtrictly tyed in Canonical obedidience to ſuch Superiors, and ſubmitting to their judgment, and deciſions, in ſpiritual matters; by which the King may ſway the controverſies in Religion, within his own Dominions, what way he pleaſeth; unleſs we will imagine, there ſhall be no Eccleſiaſticks at all of his own perſwaſions, whom he may ſurrogate into the places

places of those who gainsay. Such were the times of *Constantius*. And by such violent and uncanonical expulsion and intrusion of Prelates, the face of Religion was seen changed and re-changed so often here in *England* within a few years (according to the fancies of the present Prince), as if there were in her no certain form of truth. And the same thing we have seen done before our eyes in our own days: The removing, inducting, deposing, promoting Ecclesiastical persons, as the Secular power pleaseth; being also a changing of the Church's Doctrine as it pleaseth. Thus much to what Dr. *Hammond* hath said, *Schis. p.* 120, *&c.*

Lastly, (*Schis. p.* 125.) he makes three instances; in § 46.
the fact of the Kings of *Judah*; in the fact of St. *Paul*; and in the fact of the Christian Emperors; tending to this purpose, that their authority is supreme in Ecclesiastical causes, as well as Civil, and therefore may erect Patriarchies. His words there are: "The authority 'of Kings is supreme in all sorts of causes, even those of 'the Church, as well as Civil,—as appears among the '*Jewish* Kings in Scripture: *David* ordering the courses 'of the Priests: *Solomon* consecrating the Temple: *He-*'*zekiah* (2 *Chron.*29.–2 *King.* 18.) and *Josiah* (2 *King.* '22.) ordering many things belonging to it. And so 'St. *Paul* appeal'd from the judgment of the chief Priests, 'to the Tribunal of *Cæsar*. So in the Βασιλικα, the 'whole third Book is made up of *Justinian*'s (*i. e.* the 'Emperor's) constitutions, *De Episcopis, Clericis & Sa-*'*cris*. And the Canons of Councils have (mostly) 'bin set out (and receiv'd their authority) by the 'Emperors.

Concerning the first instance here, of the Kings of the *Jews*; I must remind you of what Dr. *Hammond* hath

hath conceded, ſet down before, §.40. That Kings are ſo Supremes in Eccleſiaſtical matters, that they have no negative voice in the decrees of Councils; ſo that *David*, *Hezekiah*, &c, if we ſpeak only of their Kingly, not of a Prophetical, power, did (nor could lawfully do) nothing of all that they did about the Prieſts, or the Temple, contrary to the orders and rules of the Prieſts: but only according to theſe, in which they had always the Prieſt, not oppoſing but, concurring with them in all their new models or reformations, (as is ſhewed elſewhere in *Authority of Clergy derived from Chriſt*, p. 47.) tho the King, as the chief Executioner (and perhaps firſt motioner alſo) of ſuch deſigns, is ſingly named. But if Dr. *Hammond* callenge to the Prince more authority than this, for ſome Eccleſiaſtical matters; namely, *thoſe of external order*, (as he calls them, *Anſw. to Schiſ. diſſu.* p. 187, and 195.) and urgeth (*Schiſ.* p. 124.) a ſaying of *Conſtantine's* to that purpoſe; (*Euſeb. de vita Conſtant.* 4.*l.*24.*c.*) Ὑμεῖς μὲν τῶν ἔσω ἐκκλησίας, ἐγὼ δὲ τῶν ἐκτὸς ὑπὸ θεοῦ καθεσταμένος ἔπισκοπος ἂν εἴην: which he tranſlates, *Ye are Biſhops of the Church, for thoſe things which are celebrated within it; but, for external things, I am conſtituted Biſhop by God.* As if Princes may govern and adminiſter theſe, without, or againſt, the judgment of the clergy: then I demand; Whether erecting Patriarchates, ſubordination of Biſhops, Metropolitans, Primates, *&c*, ordering of their Councils how often to be kept, by whom called, directing of Appeals, Faſts, Feſtivals, *&c*, be reckoned by him ſuch *things of external order*? If they be; then General Councils in ordering theſe things, (for example, the *Nicene* Council in compoſing their 6th *Canon*,) either were only the Prince's deputies and inſtruments, and all ſuch canons were void without his ratification; or elſe they uſurped an au-

authority not belonging unto them: for their canons we find full of ſuch orders. But if they be not; then Dr. *Hammond*'s *external orders* will be nothing to the matter he is diſcourſing of. As for the words of *Conſtantine*; it ſeems plain to me by the chapter preceding, that he ſpeaks here of his playing the Biſhop over thoſe *perſons* who were without the Church; both *gentes ſubjectas Romano imperio, & legiones*; *quibus* (ſaith *Euſebius* by the Emperor's injunctions) *Idololatriæ fores clauſæ erant*; *repreſſumque quodvis idolis ſacrificandi genus* &c, over which perſons the Biſhops of the Church had no authority; and I conceive the words ought to be rendred thus. *Ye are Biſhops* μεταξὺ, *for or amongſt thoſe*, [*perſons*] I ſay; S. W. ſaith [*affairs*] *which are within the Church, but I am Biſhop for the perſons or affairs without the Church.* But the Doctor's tranſlation ſeems forced, both to the words, and to the context: in which I appeal to any, that will take the pains to conſider the words, and to view the place. Beſides that, I ſee not how the Emperour can call the prohibition of ſacrificing to Idols, the obſerving of the Lord's day, *&c*, things of *external order*, as the Doctor will have them.—

Concerning the ſecond; S. *Paul*'s appeal from the the High-Prieſt and the Sanedrim to *Cæſar*, (by which the Doctor ſeems to juſtifie ſuch Supremacy of the Prince above the clergy, that from the higheſt court of Eccleſiaſticks, in matters Eccleſiaſtical, appeals may be made to him, and to him, tho an infidel,) I demand, Whether the H. Prieſt and Sanedrim were the higheſt Eccleſiaſtical Court, or Council, by God at that time appointed for deciding the controverſies of Religion, (ſuch as S. *Paul's* is by him ſuppoſed to be) or no. If it were; then ought the controverſy at *Antioch* to have bin brought before them, and not before the Council of the

the Apoſtles: If it were not; then the Doctors inſtance fits not his purpoſe. But, the Apoſtle here accuſed of ſedition, and, before any judgment given, laid wait for to be killed by his very Judges, who juſtified him, in ſome part, for his religion, [*the tenent of the reſurrection,*] appeals to the Sovereign power for his neceſſary protection, from the violence of thoſe, who, in Spiritual matters, had no reaſon to judge him. As for any appeal, in theſe matters, from the higheſt Eccleſiaſtical court to ſecular Princes, it hath bin often prohibited to the clergy in ſeveral Councils, (ſee before, §. 9.) and is ſo, as I conceive, by S. *Paul* (1 *Cor.* 6. 1, 6.) to unbelieving Princes, ſuch as *Cæſar* was.

To the third, the Emperors conſtitutions, ſuch as are in matters purely Eccleſiaſtical, tis ſufficient to ſay, that ſuch never were contrary to any laws of the Church; or when they were ſo, were ſo often void, in Dr. *Hammond*'s judgment; who grants the Emperor to have no negative voice in Councils, *i.e.* to annull any of their conſtitutions; but ſurely he annulls them, who lawfully enacts contrary. Such therefore were his Eccleſiaſtical conſtitutions, (ſo far as lawful,) as that the clergy conſented to, or at leaſt diſſented not from, them. Which ſhews the legiſlative power primarily in them, not in him. For there cannot be two Lawgivers in the ſame matters, over the ſame perſons, both whom they ſhall be obliged to obey, unleſs they can obey contradictions. Therefore if the Emperor in theſe Church-matters have no negative voice in reſpect of the decrees of Councils, they muſt needs have a negative voice in reſpect of the decrees of Emperors; and ſo how much of his laws they diſallow, or deny, is cancelled. As for the other expreſſion, [*that Canons of Councils moſtly receive their authority by Emperors,*] ſee before, § 40.

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how *S.W.* hath cauſed the Doctor to explain himſelf, in his anſwer to *Schiſm diſarmed.*

Thus much from § 38. concerning that propoſition, [That whatever Authority the Church Canons and Cuſtoms have given to any Eccleſiaſtical perſon, cannot be annull'd, *&c.* by Seculars; and, That it is Schiſm to oppoſe any authority ſo eſtabliſhed]. Next; This propoſition alſo I think undeniable: That none may ſubſtract obedience from any in matters, where it is due, becauſe ſuch perſon requires alſo obedience in matters, where it is not due: But, that whilſt the one is oppoſed, the other ought to be yeilded. Therefore ſhould the Patriarch make a breach upon the Civil rights of Princes, or their Subjects, theſe may not hence invade his Eccleſiaſtical: And if the Prieſt (Patriarch, or Biſhop) would in ſome things act the Prince, therefore may not the Prince juſtly take upon him to act the Prieſt; or to alter any thing of that Spiritual Hierarchy eſtabliſh'd by Chriſt, or by the Church; much to the good, but nothing at all to the damage, of Temporal States. If any thing happen to be unjuſtly demanded, it excuſeth us not from paying juſts debts. The Office muſt not be violated for the fault of the Perſon. Neither can never ſo many examples, brought for ſuch things, done by Princes, be a ſufficient warrant to any Prince, to do the like; much leſs, to advance beyond ſuch patterns, and do ſomething more. See before § 42.

§ 47. *That obedience due may not be withheld upon Governors undue claims.*

§ 48. *That Eccleſiaſtical Councils may change their former Eccl. Laws, tho Lay-Magiſtrates may not.*

After theſe, a third propoſition muſt alſo be granted: That tho Seculars, Princes or others, cannot; yet Councils may, change ſome former Eccleſiaſtical Laws and Cuſtoms; and when they do ſo, are to be obey'd in

their change. Therefore the [τα ἀρχαῖα ἔθη κρατείτω] in the *Nicene* Council, and [*Jura, quæ jam inde ab initio habent, ſerventur*]; and [*nullus invadat Provinciam, quæ non prius atque ab initio ſub illius fuerat poteſtate*] in the *Epheſine* Council (frequently preſs'd by Dr. *Hammond*, ſee *Sch.* p. 61, 65, 100.) ſo far as theſe refer not to Apoſtolical traditions, but Eccleſiaſtical conſtitutions, muſt be underſtood to oblige all the Church's ſubjects only ſo long, till the Church ſhall think fit to change any thing in them. Nor did they hinder, but that afterward ſhe advanc'd (the *Roman* Church at laſt yeilding alſo her conſent) the See of *Conſtantinople* (contrary to ἀρχαῖα ἔθη) both before *Alexandria* and *Antioch*, into a Supremacy, the next to *Rome*. In whoſe power it is (as in Secular Law-givers) to alter her Laws at pleaſure. Nor can any G. Council decree, that no General Council after them (in matters of humane inſtitution) ſhall change their Decrees. Nor can any particular Church claim that liberty unto them by any former Canons, of which by later Canons (made by the ſame authority) they receive a reſtraint.

§ 49. *That Prelates, and others, ſtand obliged to thoſe Church-Canons, which in a ſuperior Council are made with the conſent of their Predeceſſors, till ſuch Councils ſhall reverſe them.*

The truth of this fourth propoſition alſo I think ought not to be doubted of; That where the Biſhops or Metropolitans (ſuppoſe ſubjected to no Patriarch) yet are preſent in Councils preſided in by one, or more Patriarchs, and do conſent to the Decrees thereof; ſuch Provinces, and the Prelates thereof, ſtand obliged to thoſe Decrees; and canno tafterward at pleaſure reverſe them, and reſtore to themſelves their former liberty. Elſe Metropolitans, who are under no Patriarch, will be liable to the Decrees of no Councils at all; no not of ſuch, wherein they appear, wherein they vote, wherein they oblige themſelves. But, ſuppoſing, they are as

as free as Patriarchs themſelves; yet where in Councils many Patriarchs meet, the vote of the major part obligeth all. (Review what is ſaid before § 18.)

§ 50. *Reflections on what hath been ſaid.*

Now to make ſome Reflections (if you have not made them already) upon what hath been diſcourſed here, in relation to the Church of *England*.

§ 51. *That the Church of* England *ſeems obliged in as much obſervance to the* Roman *See, as the former inſtances have ſhewed the Orientals to have yeilded to it.*

1. It cannot reaſonably be denied, that (ſuppoſing ſhe had not receiv'd her Converſion from the See of *Rome*, nor the *Nicene* or other Canons had conſtituted the Biſhop of this City ſole Patriarch of the Weſt (of which thing review what is ſaid before § 3.) yet) ſhe is bound to render ſo much not only honour, but ſubmiſſion alſo, to that See (for what cauſe ſoever it was, that ſuch was given to that laſt Seat of the two great Apoſtles *Peter* and *Paul*, as it hath been ſhew'd by the inſtances made above, in thoſe primitive times,) that the whole Church of God, the Oriental Churches and Biſhops, the Patriarchs themſelves, and even *Cyprus* (ſo much pleaded; concerning which review § 18.) have render'd unto him, in appeals, deciſion of controverſies, approbation of Prelates, Eccleſiaſtical cenſures, *&c.* For example: If the rule (ſpoken of § 22.) [*præter*, or *ſine*, *Romano Pontifice nihil ſiniendum*] have any obligation upon the Oriental, the ſame it will have upon the *Engliſh*, Biſhops, or Synods. And the ſame power the *Roman* Biſhop hath of receiving or hearing Appeals (ſuppoſe from *Alexandria*, as in *Athanaſius* his cauſe; review § 21.) the ſame he hath in thoſe from *England*: For what exemptions can *England* plead, more than *Alexandria*?

§ 52. *That the Church of* England *ſeems obliged to yeild the ſame obſervance to the* Roman *See, as other Weſtern Provinces, upon the 6th* Nicene *Canon.*

2. Yet farther; There ſeems to be the ſame ground of her ſubmiſſion to him as Patriarch (however this ſubmiſſion be founded) as of other Weſtern Provinces, her Neighbours; who ſtill continue obedience to that See. And the *Mos antiquus obtineat*, ſeems to put all the Occidental coaſt of the world, who ever were then already, or whoever thenceforward ſhould be, converted, under his juriſdiction, (ſee § 3). In which Canon, as not *Brittain*, ſo no other Weſtern Province, is particularly nam'd; tho it appears, from ſome inſtances above, that before *Nice*, both *Spain*, and *France*, and *Africk* were Chriſtian, and ſubject to the Roman See, (ſee § 6.) And then was the *Britiſh* Nation alſo already Chriſtian; three of its Biſhops being preſent at the Council of *Arles* in *France*, ten years before this of *Nice*, (ſee *Hamm. Sch.* p. 110.), and many ſuffering Martyrdom here in *Diocleſian's* days; amongſt the reſt, the famous St. *Alban*. And the Arms of *Lichfield*, repreſenting many mangled Bodies, are ſaid to be born in remembrance of the many Chriſtians, who in that perſecution ſuffer'd there. Chriſtian yet higher; before *Tertullian's* and *Origen's* time, who teſtifie ſo much of it, (*Orig. in Ezech. Hom.* 4. *Quando terra Britanniæ ante adventum Chriſti in unius Dei conſenſit religionem? Quando terra Maurorum?* &c. *Nunc vero, propter Eccleſias, quæ mundi limites tenent, univerſa terra cum lætitia clamat ad Dominum Iſrael.* Tertull. adv. Judæos, c. 7. *Cui* [Chriſto] *crediderunt,—jam Getulorum varietates & Maurorum multi fines, Hiſpaniarum omnes termini, & Galliarum diverſæ nationes, & Brittannorum inacceſſa Romanis loca, Chriſto vero ſubdita*; ſee alſo his *Apologet.*) Chriſtian in the days of *Eleutherius* Biſhop of *Rome*, *A. D.* 183. ſaith Venerable *Bede*, *Hiſt. Ang. l.* 1. *c.* 4. At which time, (Chriſtianity, by the late favourable Edicts of *Antoni-*

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nus Pius, and *Marcus Aurelius*, enjoying much tranquillity), one *Lucius* or *Leuer Maur*, a King of ſome part of *Brittain*, bearing ſome affection to the Religion of Chriſtians, from their good converſation which recommended it, and alſo for the miracles which confirm'd it, is ſaid to have ſent two learned men, *Elvanus Avalonius* [or of *Glaſtenbury*], and *Medvinus de Belga* [or of *Wells*], to the Biſhop of *Rome*, to deſire from him, ſome holy men to inſtruct him in Religion; and ſome Roman Imperial Laws to direct him in his Civil Government: Which Biſhop ſent to him *Fugatius* and *Damianus*, by whom this King, and his Queen, and many others, were converted to the Faith, and receiv'd Baptiſme *&c.* Where, his having already with him men learned in the Scriptures, (ſee *Spelm. Apparat.* p. 12.) and yet ſending for others from the *Roman* Biſhop; and his ſending to the Biſhop of *Rome* ſo remote, when as there were then many Chriſtian Biſhops in *France*, and particularly the famous *Irenæus* Biſhop at *Lions*, at that very time, (methinks) ſhew plainly, that the *Britains* had learned already, that there was ſome preeminence and authority attributed to him, ſuperior to the reſt of the Occidental Prelates. as likewiſe doth the title of that Biſhop's letter to *Lucius*, (but it is much doubted whether this letter be authentick); *Scripſit Dominus Eleutherius Papa Lucio Regi Britanniæ, ad correctionem Regis, & Procerum regni Britanniæ*; others read it, *ad petitionem*. In which letter, whereas it is urged (ſee *Hammond Schiſ.* p. 109. and *Bramh. vindic. p.* 155.) that he calls the King *vicarium Dei in regno ſuo*; tis to be obſerved, that he ſtiles the King ſo, before he was Chriſtian; and ſeems to urge it in reſpect of civil laws; which laws the King deſiring that they would ſend unto him from *Rome*, the Biſhop adviſeth him with his Coun-

Council rather to take them out of the Bible, the law of God, whoſe Vicar he is, than out of the *Roman* or *Ceſars* laws. But let it be granted in Eccleſiaſtical matters alſo that he is *Vicarius Dei*, that is, in promulgating the Eccleſiaſtical laws, and enforcing them upon his ſubjects, with the denouncing of temporal puniſhments; but not in making them; for this the Biſhop of *Rome* cannot alienate from Synods to Princes. Chriſtian, yet higher, in the days of *Tiberius*: *Interea glaciali frigore rigenti Inſulæ* [Britannicæ] *verus ille Sol univerſo orbi præfulgidum ſui lumen oſtendens, radios ſuos primum indulget, id eſt, præcepta ſua, Chriſtus. Tempore (ut ſcimus) ſummo* [extremo] *Tiberii Cæſaris; quo* [tempore] *abſque ullo impedimento, ejus propagabatur religio, indicta* (*Senatu nolente*) *a Principe morte delatoribus militum ejuſdem; [Chriſtianorum,]* alluding to *Hegeſippus* his ſtory of *Tiberius.*] Thus ſaith *Gildas*, a *Britain*, who writ in the end of the 5th age; and therefore why may not *mos antiquus*, concerning the preſidency of the *Roman* See over the Weſt, be meant of this, as well as the other anciently-Chriſtian Provinces there? But when ever *Britain* firſt became Chriſtian, tho ſuch were after the paſſing of that canon of *Nice*, yet many converted ſince the laſt converſion of the *Saxons* here in *England* (as the *Germans*, and ſome other Northern nations, ſome of them converted by the *Engliſh*) have alſo come under the juriſdiction of that See upon the ſame account; namely of this Biſhops having committed to him the primacy over the whole Church, or at leaſt the Patriarchate of the whole Weſt. And therefore *Auſtin* the Monk required ſubjection to this Biſhop, not only of the *Saxons*, as converted by him; but alſo of the *Britains*, who were Chriſtian before: *ſubjection*, not upon this title of converſion, but from the ſubmiſſion which

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was thought otherwiſe due to this prime Apoſtolick See. [The judgment and actions of which holy man (by this Nation to be had in eternal veneration) ought not ſo eaſily to be condemned or ſlighted; ſince he was bleſſed here with ſuch ſucceſs, and honoured by God with ſo many miracles. Of which miracles of his, and his companions, *Gregory*, who ſent him, overjoyed, writes thus to the Patriarch of *Alexandria*, *Ep.* 7. *l. Indict.* 1. 30. *Ep.* —*Jam nunc de ejus* [Auguſtini] *ſalute & opere ad nos ſcripta pervenerunt; quia tantis miraculis vel ipſe, vel hi qui cum eo tranſmiſſi ſunt, in gente eadem coruſcant, ut Apoſtolorum virtutes in ſignis, qua exhibent, imitari videantur.*— And to *Auſtin*, thus in another Epiſtle, (9. *l.* 58. *Ep.*) exhorting him to the preſervation of his humility in receiving ſo high favours. —*Scio quod potens Deus per dilectionem tuam in Gente, quam eligi voluit, magna miracula oſtendit; unde neceſſe eſt, ut de eodem dono cœleſti, & timendo gaudeas, & gaudendo pertimeſcas,* &c.]

But if it be replied, that many of the Weſtern Nations were originally converted by that See, (and therefore may ſeem anciently to have had a nearer relation to, or dependance on, it:) but not ſo this Iſland; yet §. 53.

3. This title of Converſion ſeems not wanting (ſo much as is pretended) for the plea of the *Roman* Juriſdiction. For 1. for all the reſt of this Nation, except the ancient *Britains*, namely for the *Saxons*, and thoſe other invaders, who followed them, this title is not diſputed. ſo that, what was Pope *Innocent*'s pretence (ſee before, § 3.) concerning other parts of the Weſt, may be *Gregory*'s, and his Succeſſor's, concerning the chief body of this Kingdom, (ſuppoſing that the Church's cuſtoms

That this Nation chiefly (if not only) owes its converſion to the Roman See. 1.

ſtoms or canons did entitle any authority upon this ground): and for whom the *Roman* See hath performed the ſame maternal and fundative offices as for the reſt of the Weſt; it ſeems not unreaſonable, that they ſhould return her the ſame duty, as do the reſt. To that objection of Dr. *Hammond* (*Schiſm* p. 114.) in behalf of theſe *Saxons* liberty; "That S. *Paul's* and his Subſti-'tute's converts, yet were not all ſubjected to one and the ſame See; it is granted to him, That converſion doth not of it ſelf *neceſſarily* induce ſubjection to the converter, or to his See: but nevertheleſs tis as true, That the Church (upon whoſe cuſtoms and canons ſuch ſubjection is pleaded) in her appointing ſome chief and Patriarchal Sees, for the preſerving by ſuch ſubordinations unity and peace amongſt her ſeveral members, hath uſed this of converſion, as a chief motive (tho not this always, or the only, motive) to ſubject ſeveral Churches rather to ſuch a Mother-church, than to another. See before, § 6.)

§. 54. *n.* 1. 2. This for the *Saxons*, and others, whoſe race moſtwhat we *Engliſh* are. But then for the *Britains* alſo, it ſeems, That tho their converſion might have its firſt beginning in *Tiberius* his reign, or very early; yet it was for the moſt part of it wrought in latter times by ſeveral degrees, after their ſubjection to the *Roman* Empire, either by Chriſtians, who flowed in hither from *Rome*, and *Italy*, and other Provinces nearer hand, (eſpecially in times of perſecution,) with the *Roman* Officers and Lieutenants, (ſome of which before, were favourers, and after *Conſtantine*'s time, were alſo profeſſors of Chriſtianity, as amongſt the reſt *Theodoſius*, who was *Valentinian*'s Lieutenant here, before Emperour): or by ſeveral Miſſions from the Pope of *Rome* made

made either to plant and propagate Chriſtianity in theſe Iſlands of *Britain* and *Ireland*, or to reform it.

Such was that Legation of *Fugatius*, and *Damianus*, mentioned before, § 52. and ſuch that, afterward, of S. *Germanus* a *French* Biſhop, famous for learning and ſanctity, about *A. D.* 430. whom (as *Proſper*, a *French* Biſhop, who lived alſo in thoſe times, relateth) Pope *Celeſtin*, hearing that *Pelagianiſm* had gotten ſome footing in this Iſland, ſent hither for the ſuppreſſion thereof. *Proſper's* words are *in Chronico*; —*Pelagianus, Severiani Pelagiani Epiſcopi filius, Eccleſias Britanniæ dogmatis ſui inſimulatione corrupit*; *ſed, ad actionem Palladii Diaconi, Papa Cæleſtinus Germanum Altiſiodorenſem Epiſcopum vice ſua mittit, ut deturbatis Hæreticis Britannos ad Catholicam fidem dirigat. Vice ſua*, as his Legat; as if the care of ſuch reformation did ſome way eſpecially concern the Pope; *ad actionem Palladii*, at the ſuite and requeſt of *Palladius*, a zealous oppoſer of, and writer alſo againſt, *Pelagianiſme*. In this Legation, another holy *French* Biſhop, *Lupus*, is mentioned alſo to have accompanied *Germanus* into *Britanny*; of which two Biſhops *Bede* indeed (*Hiſt.* 1. *l.* 17. *c.*) delivers the ſtory thus: That, upon the requeſt of the *Britain* Clergy (ſo unwilling to receive *Pelagianiſm*, as unable ſufficiently to confute it) theſe two Biſhops were ſent hither by a Council in *France*. But, what *Bede* ſaith, being taken out of *Conſtantius*, one who writ at a greater diſtance from *Germanus* his times than *Proſper* did, is liable to the more doubt. and 2*ly*, this may well conſiſt with what *Proſper* ſaith; ſince all thoſe Occidental Synods had a ſubjection to the Weſtern Patriarch, and might receive directions from him. The ſame *Proſper* ſaith, that the forementioned *Palladius* was, by the ſame authority, § 54. *n.* 2.

and care of the ſame Pope *Celeſtine*, ordained Biſhop, and ſent into the more Northern parts of this Iſland, to the *Scots*. —*Ad Scotos in Chriſtum credentes ordinatur a Papa Celeſtino Palladius, & primus Epiſcopus mittitur.* See the ſame in *Bede*, 1. *l.* 13. *c.*

Beſides theſe *Germanus* and *Palladius*, *Bede* and others make mention of *Ninyus* a *Britain*, who finiſhed his ſtudies at *Rome*, and was made Biſhop, and ſent from thence, not long after the other, for the converſion of the *Picts*, a Nation lying between the *Scots* and *Britans*. *Epiſcopus Reverendiſſimus, & Sanctiſſimus vir, de natione Britonum, qui erat Romæ, regulariter fidem & myſteria veritatis edoctus*, ſaith *Bede*, *Hiſt.* 3. *l.* 4 *c.* —*Quem, audiens Romanus Pontifex quoſdam in occiduis Britanniæ partibus necdum fidem Chriſti ſuſcepiſſe, ad Epiſcopatus gradum conſecravit, & præmiſſa genti, data benedictione, Apoſtolum deſtinavit.* (*v. Broughton's Monaſticon Briton.* 7. *c.* and *Capgrave Catal. Sanctorum.*) Likewiſe *Patricius*, who finiſhed the converſion of the *Iriſh* begun by *Palladius*, is ſaid to have received his education, and learnt his Divinity from *Germanus*, and *Lupus*; and going to *Rome*, and there made Biſhop, *accepiſſe ab Apoſtolica Sede ad ejus Gentis converſionem Apoſtolatum.* (*V. Baron*, A.D. 431. *Sigebert Chronol.* and Sir *H. Spelman* A.D. 449. who out of *Matt. Weſtmon.* ſaith, both of *Palladius* and *Patricius*, *ad Britanniam perveniſſe miſſos a Papa Celeſtino, ibiq; prædicaſſe verbum Dei.*) *Dubritius* alſo, the firſt Archbiſhop of *Caerleon* that we know of, (to which Archbiſhop only the *Britiſh* clergy, in their conference with *Auguſtin*, acknowledged their ſubjection,) was another Diſciple of *S. Germanus*; and by him, and *Lupus*, with the conſent of the King, and a Synod of the Clergy, conſecrated Biſhop, and poſſeſſed of this Archbiſhoprick. See *Spelman* A. D. 512. and *Apparat.* p. 25. and

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in the ſame manner did this *Brittiſh* Archbiſhop receive his Commiſſion from *Germanus*, ſent by the Roman See, as the *Engliſh* Biſhops from *Auguſtin*; by the perſuaſion of which *Engliſh* or *Saxon* Biſhops alſo, afterwards both the *Scots*, and ſome at leaſt of the *Brittains*, about A.D. 700, were reduc'd from thoſe errors, whereof *Auguſtin* had taxed them, and conformed to the Cuſtoms of the Church Catholick. *V. Bede Hiſt. l.* 5. *c.* 16, 19, 22. Several of which *Engliſh* Clergy alſo in thoſe days travel'd to *Rome*, the more perfectly to learn the Laws and Cuſtoms of the Apoſtolick See; or alſo there to receive their Ordination. and St. *Wilfrid*, among the reſt, went thither three ſeveral times, and ſate there alſo in a Synod, and being twice ejected out of his Biſhoprick, twice had his cauſe heard there, and was twice reſtor'd by the Pope's Letters. See theſe things in *Bede*'s *Hiſt. l.* 5. *c.* 20, 21.—*l.* 5. *c.* 12.–*l.* 3. *c.* 4, 7, 29.–*l.* 4. *c.* 1. Theſe particulars I have ſet down, to ſhew the care, intereſt, authority, eſteem, which the *Roman* Biſhops had in theſe two Weſtern Iſlands in all thoſe ancient times, wherein Hiſtory gives poſterity ſome light to know, what was done in them.]

But next; however theſe things be: Yet ſuppoſing only then the ſubjection of the *Saxons*, and the *Engliſh* Clergy (upon this title of Converſion), to the Roman See, it ſeems the *Brittains*, for the preſent, can claim no liberty from the ſame ſubjection; becauſe thoſe in *Wales* being ſubject to the Biſhop of *Carleon*, or afterward to St. *Davids*; and St. *David's* being ſubject to *Canterbury*; [I ſuppoſe this Canonically done; of which ſee Sir *Hen. Spelman*'s *Appar. p.* 26. that it was order'd ſo by a Council at *Rhemes*, and by the Pope; to both which were made Addreſſes about it. As for the Bri- § 54. *n.* 3.

bery that is by ſome ſuppoſed in it; I ſee no reaſon why it ſhould not be judg'd an uncharitable ſuſpition, being a thing every where imputable, when rich and poor contend;] ſubjected alſo at that time, when *Canterbury* was profeſſedly ſubject to *Rome*, in the Reign of K. *Hen.* I. Hence it follows, I ſay, that theſe *Brittains* muſt needs be ſubjects alſo to that See, to which muſt *Canterbury* is ſubject; and that Church, hath which any Juriſdiction over *Canterbury*, will alſo have the ſame over St. *David's*; (ſuppoſe in Appeals, or the like). And again, thoſe *Brittains* who were out of *Wales*, diſpers'd among the *Saxons*, becoming ſubjects to the *Saxon* Biſhops there, who were the Pope's ſubjects, muſt alſo be ſubject to the Pope.

§ 55. n. 1. And hath in ancient Councils, together with other Churches, ſubjected it ſelf to that See before the Saxon *Converſion.*

Yet fourthly; If the *Brittains* were not converted by that See, it may be ſhew'd, that they had ſubmitted themſelves, and join'd with the reſt of Chriſtianity in thoſe Conciliary acts, which had given ſome ſupremacy of Juriſdiction, to the See of *Rome*, (amongſt others) over them. For we find ſome of the *Brittain* Biſhops preſent, as at the Council of *Ariminum*; where, as *Severus* (*Hiſt. l.* 2.) and *Spelman* (*Appar.* p. 24.) ſay, three of them, being poor, were maintain'd on the Emperor's charge; ſo, before this, at the Council of *Sardica* (aſſembled ſome twenty years after that of *Nice*) as *Athanaſius*, who was alſo preſent there, himſelf witneſſeth (ſee before *§* 23. *n.* 1.) and therefore may the Canons of that Council be preſum'd, amongſt the reſt, to be ratified by them, or at leaſt, being paſs'd by the major part of that Occidental Council, to oblige them. Now what honour theſe Canons give to the Roman Biſhop, how they conſtitute him ſupreme in Appeals, ſee before *§* 11.

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[Againſt this (urg'd by *S. W.*) Biſhop *Bramhall* (*Rep. to S. W.* § 4. *p.* 24.) replies; 1. That it doth not appear, that the *Britiſh* Biſhops did aſſent to that Canon. 2. That the Council of *Sardica* was no G. Council after all the Eaſtern Biſhops were departed, as they were before the making of that Canon. 3. That the Canons of the Council of *Sardica* were never receiv'd in *England*, or incorporated into the *Engliſh* Laws; and that without ſuch incorporation, they did not bind *Engliſh* Subjects. 4. Laſtly, That this Canon was contradicted by the great General Council of *Chalcedon*. To which I anſwer: That this Council at leaſt was a full and compleat Occidental Council. That Canons paſs'd by the moſt part of ſuch a Council, are obliging to the reſt contradicting, whether Perſons, Churches, or Chriſtian States. That where no contradiction of any perſon, Church, or State appears, they are preſumed to aſſent, (in juſtification of which, ſee a more large diſcourſe in *Par.* 2. § 4. and 24.) That if the Canons of Councils only receive force in a Chriſtian State by being incorporated into their Laws, then by being expung'd again at pleaſure out of theſe, they loſe their force: And then where is the Church's authority in her Decrees, which are valid only till any particular State pleaſeth to eject them? That thus he will find, either not all Canons, which he grants obliging, incorporated into the *Engliſh* Laws, (I mean thoſe before the Reformation), or more; namely, thoſe of Councils held ſince the firſt four, or ſeven or eight, Oecumenical ones. Laſtly, that the Council of *Chalcedon* no-where contradicts or reverſeth this Canon, for the Weſtern Provinces at leaſt, but rather eſtabliſhes it, in giving the Patriarch of *Conſtantinople* like priviledge § 55. *n.* 2.

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in the East; even the *Cypriots* not being exempted therefrom. (See before § 11.)

§ 55. *n.* 3. From this Council, twenty years after *Nice*, let us ascend to the Council of *Arles* in *France*, convocated by *Constantine* the Emperor ten years before that of *Nice*, (of which see before, § 23. *n.* 7.) and in this also we find the presence and subscription of *Brittain* Bishops (see *Hammond, Schis.* p. 110. *Bramh. Vind.* p. 98.) of which Bishops, thus Sir *Hen. Spelm.* A. D. 314. *Aderant e Britannia celebriores (ut videtur) tres Episcopi* [surely in Dignity much preceding, and much ancienter than the Bishop of *Carleon*] *nempe Eboracensis, Londonensis, & de civitate Coloniæ Londinensium (quæ alias dicitur Camelodunum) una cum Sacerdote Presbytero, & Diacono, qui & canones assensu suo approbabant, & in Britannia redeuntes, secum deferebant observandos.* Now, there you may review the first Canon thereof, setling the matter of *Easter* to be kept through all Churches on the same day; and the divulgation of this thro all Churches committed to the Bishop of *Rome, secundum consuetudinem.*

§ 56 *n.* 1. Therefore the speech of the Abbot of *Bangor* (urg'd by Dr. *Hammond Schis. p.* 111. and B. *Bramhall Vindic. p.* 103.) that he knew no obedience due to him, whom they call'd the Pope, but the obedience of Love. where B. *Bramhall* saith; Observe what strangers the *Brittains* were to the Papacy, *that man whom they call the Pope*; seems (if perhaps authentick) full of ignorance; who, after all that power exercis'd by this man call'd the Pope over the whole Church of God, especially over the Western Provinces, and so much respect return'd him from them, as is set down above in this discourse (for I have made

made ſcarce any quotation but before, or in this Abbot's time), after the preſence of the Brittain Biſhops at ſo many famous Councils, after ſo many holy Biſhops ſent for the converſion of theſe Iſlands by the Biſhop of *Rome's* delegation, ſhould be ſuch a ſtranger to his Perſon, or Authority, or his Titles (the like Titles to which given him in this Abbot's, ſee given him in *Cyprian's*, time, § 33.) after A. D. 600. Where alſo you may obſerve; That the *Iriſh* Biſhops yeilded all obedience to this *Roman* Biſhop at this very time, when the *Britiſh* thus denied it; as appears, both in that they are ſaid by *Bede* (the South *Iriſh* at leaſt) to have return'd very early to a right obſervation of *Eaſter*, *ad admonitionem Apoſtolicæ Sedis Antiſtitis* (*Hiſt. l.* 3. *c* 3.) And alſo in that about this time they ſent Letters to St. *Gregory*, then Biſhop of *Rome*, to know, after what manner they ought to receive into the Church ſuch as were converted from *Neſtorianiſm*; to whom he ſends his orders concerning it, directed *Quirino Epiſcopo & cæteris Epiſcopis in Hibernia Catholicis*, *Epiſt.* 61. of *l.* 9.

And as for this plea, of the *Brittain's* ſubjection only to the Archbiſhop of *Caerleon*, you may note; That the firſt Archbiſhop of this City, that is known or ſpoken of, is *Dubricius*; who, after much ſervice done by him againſt *Pelagianiſm*, was conſecrated Archbiſhop by *Germanus* and *Lupus*, ſent from *Rome*, as is ſaid above § 54. *n.* 2. the third or fourth from whom poſſeſs'd that Chair when *Auſtin* came. Meanwhile, before *Auſtin's* coming, the *Brittains* had other Biſhops preeminent to *Caerleon*, a Biſhop of *York* (the chief Biſhop of the whole Nation, as that City then was the principal City, the *Roman Prætorium* being there. See *Spelm. Appar. p.* 22.) a Biſhop of *London*, and of ſome other

§ 56. *n.* 2.

other places, who were preſent at the Council of *Arles*, where is no mention of *Carleon's* Biſhop; of which Biſhops, *Todiacus* Archbiſhop of *Tork*, and *Theonus* Biſhop of *London*, being perſecuted by the *Saxons*, fled into *Wales* with their Clergy, A. D. 586. Within eleven years after whoſe flight thither, *Auguſtin* came into *England*, and upon it their perſecution in part ceas'd. Now there being no mention of any oppoſition made, by any of theſe Biſhops or their Clergy (which in eleven years ſpace could not all be deceas'd) to *Auguſtin*, but only by the *Welch* under *Caerleon*, it is probable, that they conform'd to the reſt of the Weſt, in ſuch ſubmiſſion to it's Patriarch, as was due to him by the Canons of thoſe Councils, which their predeceſſors had allow'd; and was render'd to him by their neighbour-Prelacy of *Ireland* (ſee *Greg. l.* 9. *Ep.* 61.); as likewiſe, that they celebrated *Eaſter* according to thoſe Conciliary Canons, and the *Roman* manner; and laſtly, that, returning into ſome of thoſe parts of *Brittain* from whence they fled, they aided *Auguſtin* in the converſion of the *Saxons*.

§ 57. *n.* 1. *The Brittain's obſervation of Eaſter different from Rome not agreeing with the Orientals; and no argument, that they receiv'd Chriſtianity from thence.*

2. That Argument, [That the *Brittains* were not formerly converted by any ſent from *Rome*, but rather by *Joſeph* of *Arimathea*, or *Simon Zelotes*, or ſome other Eaſtern Doctors, becauſe their obſervation of *Eaſter* was contrary to the uſage receiv'd at *Rome*, (ſee *Ham. Sch. p.* 113. *Bramh. Vind. p.* 104.)] ſeems of no force. 1. Becauſe the obſervation of the Orientals (thoſe of *Aſia minor* only excepted) was the ſame with the *Roman* (ſee *Euſeb. Eccl. Hiſt. l.* 5, *c.* 21.); and it is to be preſumed, *Joſeph*, or *Simon*, had they founded this Church, did celebrate this Feaſt on no other day than *Peter*, and *James*, and *Paul*, did. But 2ly, Tho the

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Brittain's obſervation, when *Auſtin* the Monk came hither, was found contrary to the *Roman*; yet ſo it was alſo contrary to the *Quarto-Decimans* of *Aſia*. For the *Brittains* obſerv'd it on the Lord's day only, as well as the *Romaniſts*; only their Lord's day was that which happen'd from the 14th day of the Moon in *March* inclusively, to the 20th day; but the Lord's day of the *Romaniſts* was from the 15th to the 21th, [the 14th day, tho it were alſo the Lord's day, being avoided, becauſe it was the *Judaical* obſervation]; or indeed rather, becauſe (as *Ceolfrid* the Abbot diſcourſeth it at large to *Naitan*, King of the *Picts*, in *Bede*, *l.* 5. *c.* 22.) with the *Jews* alſo the firſt day of the Paſchal Feaſts, or of unleaven'd Bread, was not the 14th but the 15th day of the Moon, to which 15th day (as in all other Feſtivals) the even preceding, wherein the Paſchal Lamb was eaten, is reckon'd to belong as the beginning thereof (and not to the 14th); therefore this Even alſo began the uſe of Bread unleven'd, *Exod.* 12.18. So that the *Britain's* kept it a week ſometimes before the *Romaniſts*, namely, when the Lords day fell on the 14th. Of this thus *Bede*, (*Hiſt.* 3.*l.*4.*c.*) *Quem tamen* [diem Paſchatis] *non ſemper Luna* 14*ma cum Judæis, ut quidam rebantur, ſed in die quidem Dominica, alia tamen, quam decebat, hebdomada, celebrabant.* and ſo he ſaith, (*hiſt.* 3.*l.*25.*c.*) that *Oſwy* King of *Northumberland* [obſerving the *Britain* and *Scotch* mode] brake up his Faſt, and ſolemnized the Feaſt, when the Queen with Prince *Alkfrid* continued their Faſt, and kept that day their Palm-Sunday. Therefore to *Colman*, in a diſpute before theſe Princes, urging (as the *Aſian* Churches had done) the practice of S. *John* the Evangeliſt, deſiring in their variance from the Weſtern Churches, to adhere to thoſe in the Eaſt; *Wilfrid* returns this anſwer: That the *Scots* and *Britains*

tains neither followed the example of S. *John*, [*i. e.* according to the *Asian* Churches,] nor S. *Peter*, [according to the West,] nor did their celebration of Easter agree either with the [*Judaical*] Law, or the Gospel; because they kept not Easter but on a Sunday. See *Bede*, ib.

§ 57. *n.* 2. This Error perhaps was propagated to the *Britains* (not long before) from the *Scots*. Or both *Britains* and *Scots* might incur at first a mistake therein, from the rudeness and ignorance of those times, over-run with civil wars, (which *Bede* also hinteth, *Hist.* 3. *l.* 4. *c.* —*Sciebant enim resurrectionem Dominicam prima Sabbati esse celebrandam: sed ut Barbari & rustici, quando eadem prima Sabbathi venerit, minime didicerunt.* Or it might arise (as *Bede* ib. 3. *c.* saith it did) from some of their Doctors misunderstanding the *Egyptian* computation or Cycle of *Anatolius*. Whose writings also *Colman*, the Scotch Bishop, urgeth in their defence in the disputation had before K. *Osmi* about this matter; and *Wilfrid* there also shews them to be orthodox, and mistaken. *v. Bed.* 3. *l.* 25. *c.* But upon what ground, or in what time soever this erroneous custom began here, (since we find those Bishops, which were sent from *Rome* (see before, § 54. *n.* 2.) from time to time so welcomly entertained, and so readily submitted to, by these two Islands, and in particular find S. *Germanus*, who came hither two several times, solemnly keeping his Easter here with the *Britain* clergy, (see *Bede*, 1. *l.* 20. *c.*)) it follows; either that their observation of Easter was then altogether catholick; or that, if it was otherwise, yet by reason that the difference happeneth not every year, but only then, when the Lord's day chanceth to be on the 14th of the Moon, *i. e.* only once in many years, it was then by these Bishops not taken notice of, till the coming hither

of

of *Auguſtin*; who firſt appears about A.D. 604 to have obſerved, and endeavoured to have reformed it, in the Weſtern Church of *Britain*. and afterward his Succeſſors, and others, well-inſtructed in the Churches practice, to have endeavoured the ſame in the North and in the *Scots*. concerning which controverſy letters being ſent to *Rome* to conſult the Pope, ſeveral anſwers alſo were directed from thence to the *Scots* condemning their practice. *v. Bede 2. l. 19. c.* Yet was it, ſtill, retain'd for ſome time both by them, and the *Britains*; till, after a fuller conviction, about A.D. 700, or not long after, both were at laſt reduced to the Catholick obſervance, (See *Bede 5. l. 16, 19, 22, c.*) as the South-*Iriſh* were, by the Pope's admonition long before. *Bede 3. l. 3. c.* Meanwhile many Saints and holy men there were, who ſo obſerved it, as their Anceſtors had miſled them, in this obſervation alſo being much more tolerable than the *Romani*. Neither doth it ſeem any great fault in them, but only in thoſe of later times, in whom obſtinacy after due information of the Church's decrees made it ſo.]

3. After this decree of the Church Catholick, whenever manifeſted to them, it cannot be denied, that the *Britains* became now ſchiſmatical; as offending both againſt the canon of *Arles*, mentioned before, (where were preſent ſome of their own Biſhops,) and afterward againſt that of *Nice*. This buſineſs being one of the two cauſes of the meeting of that famous Council; and being by them unanimouſly ſetled all the world over. Whoſe words are theſe, in their Epiſtle to the Church of *Alexandria. Sozom. Hiſt. 1. l. 6. c.* —*Quod autem ad omnium conſenſum de ſacratiſſimo feſto Paſchatis celebrando attinet, ſcitote, quod controverſia de re ſuſcepta prudenter* § 57. n. 3.

& commode ſedata eſt ; ita ut omnes Fratres, qui Orientem incolunt, jam Romanos, nos, & omnes vos ſunt conſentientibus animis in eodem celebrando deinceps ſedulo ſecuturi. And hence it was, that in thoſe later times, when the Churches orders were well known here in *England*, the Ordinations by the *Britiſh* or *Scotch* Biſhops were accounted unlawful ; and ſeveral of the *Saxon* Kings, to preſerve themſelves from the Schiſm, ſent their clergy, to be conſecrated Biſhops, into *France*, (amongſt whom S. *Wilfrid* was one), and to be conſecrated Arch-Biſhop, to *Rome*. See *Bede Hiſt.* 3. *l.* 17. *c.* 28, 29. *c.* —4. *l.* 1, 2. *c.* and elſewhere. Where alſo S. *Chad*, the holy Biſhop of *Lichfield* having bin conſecrated (in the vacancy of the See of *Canterbury*, and ſome other orthodox Sees) by three Biſhops, two of which were *Britains*, and unconformable to the Church, (tho the third, *Wini*, Biſhop of *Wincheſter*, was ordained in *France*, and orthodox. (*Bede* 3. *l.* 7. *c.*) *Theodore*, the next Archbiſhop of *Canterbury*, is ſaid *Ceaddam arguiſſe, non fuiſſe eum rite conſecratum,—& Ordinationem ejus denuo Catholica ratione conſummaſſe.* And the ſame was obſerved alſo in the Ordination of Presbyters. *v.* Bed. 4. *l.* 2. *c.*

§ 57 *n.* 4. 4. Laſtly, It ſeemeth alſo clear enough, that they followed not the practice of their Forefathers herein; both from the preſence of the former *Britain* Biſhops in the Council of *Arles*, which determined this matter, (of whom ſee what Sir *H. Spelman* ſaith above, § 55. *n.* 3.) and alſo from *Conſtantine's* letter, *Socrat. Hiſt.* 1. *l.* 6. *c.* to perſwade the *Aſian* Churches to uniformity with the reſt of the world. In which he writes thus. —*Quoniam modus ille eximius decoruſque eſſet ſervandus, quem omnes Eccleſiæ totius orbis partes, vel ad occidentem, vel ad meridiem, vel ad ſeptentriones, incolentes, ſervant, ac nonnulla*

nullæ quoque quæ in locis ad orientem ſpectantibus habitant. But leſt you may think [*omnes Eccleſiæ* &c] may admit ſome ſmall exception of the Church of *Britanny*, afterwards he names it in particular, (which thing he might alſo experimentally know, from ſome part of his education there.) *In me recepi* &c, *ut quod in urbe Roma, in Italia, in Africa, in toto Ægypto, Hiſpania, Gallia, & Britannia*, &c, —*una & conſentiente ſententia conſervatur* &c; unleſs we will ſay the *Scotch* and *Welch* Biſhops anciently to have obſerved Eaſter in this faſhion, whilſt the reſt of the *Britiſh* Biſhops, viz. *York*, *London*, &c, kept it in the *Roman* manner. Add to this what *Bede* ſaith of the origin of this Error in the *Scotch* Nation, (and the ſame may be preſumed in the *Britiſh*,) (*Hiſt.* 2. *l.* 19. *c.*)—*Nuperrime temporibus illis hanc apud eos hæreſim exortam, & non totam eorum gentem, ſed quoſdam ex iis, hac fuiſſe implicitos.* Which *Honorius*, and other *Roman* Biſhops, with their letters (ſee *Bede* ib.) endeavoured as ſoon as might be to ſuppreſs. And judge you by theſe things, how juſtifiable thoſe proceedings of the *Britain* Clergy or Councils of that time mentioned (*Bram. vind.* p. 104.) were in oppoſition to *Auguſtin* the Monk; who only required of them in this thing to follow the tradition of the Church; and objected againſt them,—*quod in multis Romanæ conſuetudini immo univerſalis Eccleſiæ contraria gererent; & quod ſuas traditiones univerſis, quæ per orbem ſibi invicem concordant, Eccleſiis præferrent.* All which was true, and the proponent alſo confirmed this truth before them with a miracle, reſtoring his ſight to a blind man. See Sr. *H. Spelm.* A.D. 601.

Now if it be here wondred at, (ſee Biſhop *Bramhal's vindic.* p. 97.) that in the *Britains* ancient ſubjection to the *Roman* Patriarch there ſhould appear no more foot- § 58.

ſteps

ſteps of any acknowledgment thereof; no ſuch intercourſe of Epiſtles between him and *Britiſh* Prelats, in a nation ſo anciently Chriſtian, as thoſe of other Weſtern Provinces: The reaſon thereof ſeems to be; becauſe Chriſtian Religion, tho early planted here, yet made little growth, lighting in a ſoil then very rude and barbarous, and being miſerably oppreſſed and diſturbed, from its very firſt appearance, with wars foreign and civil; the lately ſubdued natives either taking up arms againſt the *Romans*, to ſhake off their new yoke; or, when the more civilized part ſubmitted thereto, invaded by their Northern and Weſtern neighbours, the *Picts*, and *Scots*, and the *Iriſh*; and their former conquerors the *Romans*, by reaſon, of civil diviſions between the Emperors themſelves, and afterward of the frequent inroads into the Empire of barbarous Nations, no way able to protect or ſuccour them. Laſtly, (upon their calling in other foreign auxiliaries, the potent *Saxons*), forced to combat alſo with thoſe whom they brought in for their aid for almoſt two hundred years, till at laſt they became their ſlaves. Thus did this poor Nation live in much diſtreſs (ſee *Gildas*, and S. *H. Spelman* in his *Apparat.* p. 12.) even from *Conſtantine*'s time, when Chriſtianity elſewhere enjoyed ſome reſt, until the ſettlement of the *Saxons*, and their converſion to Chriſt. Which alſo may be the reaſon, that for the firſt 600 years, in thoſe, elſewhere ſo learned and flouriſhing times, there are not extant, or at leaſt not divulged, the works of any one *Britain* writer (born and reſiding here) in theological matters, excepting *Gildas*; nor ſo much as the names known to poſterity of the chief *Britiſh* Biſhops who lived in theſe times, ſave of a very few, (ſee *Spelm. apparat.* 22. p.) who for the 300 years between *Conſtantine*'s days and the coming of *Auſtin*, mentions ſome

ſome three or four Biſhops of *York* the prime Seat, and as many of *London*; and the firſt known Biſhop of *Caerleon*, after A.D. 500.

§. 59. *That the Engliſh nation is ſufficiently tyed to ſuch ſubjection by the Decrees of latter Councils, wherein her Prelats have yeilded their conſent.*

5. But, let theſe obligations aforeſaid go for none at all; and let not the *Britain* only, but the *Saxon* alſo, be originally free from any ſubjection due to the Roman Patriarch, both in, and after, the days of Archbiſhop *Auguſtin*. Yet by the 3*d*. and 4*th*. Propoſitions made before, (§ 48. and 49.) ſuch liberty can be no way pretended, (ſee *Hammond ſchiſ.* p. 65. 100. *Bramh. vindic.* p. 96.) if frequent canons of latter Councils, eſpecially, wherein the *Engliſh* Biſhops have bin preſent, and given their ſuffrage, have reſtrained it. Now how many Councils are there ſince 600 or 700 years after Chriſt, (as the 8. General Council, the *Lateran*, *Conſtance*, *Baſil*, *Florentine*, &c,) whereof the *Engliſh* Biſhops were either members, or at leaſt in abſence accepted their Acts; which have confirmed to the Biſhop of *Rome* thoſe juriſdictions over the whole Church, (excepting the Queſtion of his Superiority to General Councils,) or at leaſt over the Weſtern part thereof, (conformed to likewiſe by the ordinary practice of the *Engliſh* Prelats,) which the preſent Reformation denies him? See the 8*th* and 15*th* Seſſion of *Concil. Conſtantienſe* (much urged by Proteſtants, as no flatterer of the Pope, and wherein, the Council voting by Nations, the *Engliſh* were one of the four,) condemning, againſt *Wickliff* and *Huſs*, ſuch Propoſitions as theſe. Seſs. 8. —*Papa non eſt immediatus Vicarius Chriſti & Apoſtolorum.* —*Summus Pontifex Eccleſiæ Romanæ non habet primatum ſuper aliàs Eccleſias particulares.*— Seſſ. 15. —*Petrus non fuit, neque eſt Caput Eccleſiæ ſanctæ Catholicæ.* —*Papæ præfectio & inſtitutio a Cæſaris potentia emanavit.* —*Papa*

non

non eſt manifeſtus & verus Succeſſor Apoſtolorum—Principis Petri, ſi vivit moribus contrariis Petro. —Non eſt ſcintilla apparentiæ, quod oporteat eſſe unum Caput in Spiritualibus regens Eccleſiam, quod [caput] *ſemper cum ipſa militanti Eccleſia conſervetur, & conſervatur.*— Now theſe canons of a Council, ſuppoſed not General, but Patriarchal only, are obligatory, at leaſt, to the members thereof, and conſequently (by what is ſaid § 40.) to their poſterity, until a Council of equal authority reverſe them.

§ 60. *That the principle, upon which Dr.* Hammond *ſets the Engliſh clergy & nation free from ſuch former obligations, hath bin ſhewed to be erroneous.*

6. Whereas Dr. *Hammond* thinks to free Prince and People, Laity and Clergy, from any ſubmiſſion that former canons may require, or from any conceſſions that the clergy, or the former, or alſo the preſent, Prince, hath made to the Biſhop of *Rome*, or to any other Patriarch, upon this ground which he builds much upon; [*That it is in the power of Chriſtian Princes, within their Dominions, to erect or tranſlate Patriarchates.*] For thus he ſaith, (*Schiſ. p.* 115.) —"To put this whole matter 'out of controverſy; it is, and hath always bin in the 'power of Chriſtian Emperors and Princes, within their 'Dominions, to erect Patriarchates, or to tranſlate them, &c.— And (*p.*132.) —"Upon that one ground laid in the former chapter, the power of Kings in general, and 'particularly *ad hunc actum*, to remove Patriarchats, 'whatever can be pretended againſt the lawfulneſs of 'the Reformation in theſe Kingdoms, will eaſily be an-'ſwered.— And (*p.*137.) —"The whole difficulty 'devolves to this one enquiry, Whether at that time of 'the Reign of *Hen.* 8. the Biſhop of *Rome* had any re-'al authority here, which the King might not lawfully 'remove from him to ſome other.— And (*p.*138.) —The '3*d.* will appear to have received its determination alſo by

'by the abſoluteneſs of the power of our Princes, —and 'by the rights of Kings, to remove, or erect, Patriarchats.— And (*p.* 140) —" If the Pope held his Supre-'macy here in *England* by the Title of Regal conceſſion, '[*as Dr.* Hammond *holds he did, ſee p.* 138. 142.] then 'he may diſpoſe it from him to ſome other, as freely as 'the ſame King may upon good cauſes remove his Chan-'cellor *&c.* And (*p.*142.) —Thus certainly the King, 'being the fountaine of all power and authority, as he 'is free to communicate this power to one, ſo is he 'equally free to recall and communicate it to another.— 'And this takes-off all obligation of obedience in the 'Biſhops to the Pope at the firſt minute that he is by 'the King diveſted of that power. —Which freedom 'from that obedience immediately clears the whole bu-'ſineſs of Schiſm, as that is a departure from the obedi-'ence of a lawful Superior.— Thus He. Now I ſay, whereas he builds ſo much on this ground, to remove thereby all difficulties and objections; I think, I have above (by the firſt Propoſition § 38. and by anſwering his proofs thereof, § 43, and alſo by ſo many contrary examples brought in the former part of this Diſcourſe) ſufficiently ſhewed it to fail him, and to be untrue. Only here obſerve one thing concerning this right of Princes; That the Doctor [it being much preſſed by *S. W.* (upon the Doctors quoting ſome Church-canons for it, of which review § 44.) " That if Princes had any 'ſuch right, they had it not as their proper right, inde-'pendent on the Church, or her canons,] in his anſwer to this (*p.* 174.) ſeems ſomewhat uncertain and wavering, by what Title Princes hold it. His words there are. " I, that meant not to diſpute of ſuch myſteries 'of State, deſirous to unite the Civil and Eccleſiaſtical 'power, and not to ſow ſeeds of jealouſies and diſſenſions

'betwixt them, finding the ſame thing aſſumed by 'Kings as their right, and yeilded them by the Church 'to be enjoyed by them, thought I might hence con- 'clude this to be unqueſtionably their due; but whe- 'ther it were from God immediately conferred on them, 'and independently from the Church, or whether the 'Church in any notion were the *medium* that God uſed, 'now under the Goſpel, to confer it on them; truly I 'neither then was, nor now am, inclined either to en- 'quire, or to take upon me to determin.— *And afterward.* '—If it were not formerly the Prince's right, but the 'Churche's, then ſure it is become ſo by that donation. Now then if Princes ſhould happen to hold this right only from the voluntary conceſſions of the Church or Councils, or particularly from the clauſe of one canon paſſed in the Council of *Chalcedon*, (upon which canon the Doctor (*Schiſ. p.* 120) confeſſeth, *Balſamon*, a great ſtickler for Regal authority, to found it,) then I leave to their conſideration, whether the ſame reaſon he pleads (upon the inſtance of former Kings of *England* conceding Supremacy to the Pope) for Princes reverſing the donation of their right when they pleaſe, may not be returned him for the Church or her repreſentative, the Council. For if the Prince cannot give his right away, but ſo that he may recall and reſume it, ſo neither can the Church. And then, after ſo many canons in, and ſince, *Chalcedon*, reſerving to ſuch particular nominated Patriarchs their priviledges, (the Church of *England* according with the reſt,) and extending this their juriſdiction over ſome Princes ſubjects at leaſt, who have the ſame power and rights as the Kings of *England*; and expreſly prohibiting Princes to remove Patriarchs, (8. *Gen. Counc. can.* 21.) where will his plea be?

Yet

Yet farther; (but, in what I ſhall ſay now, I will not be too peremptory,) ſuppoſe the erecting and tranſlating Patriarchates to be the Prince's right; and that originally: yet it may be ſuch a right, as once parted with, cannot be reſumed by the former owner. For ſuch rights there are, as, once paſſed away, are not to be retracted; and ſuch as we may alienate not only from our ſelves, but from our ſucceſſors, if ſuch be the purpoſe of our donation. And why this right may not be numbred amongſt ſuch, I yet ſeek a reaſon. If it be ſaid; the King cannot diveſt himſelf of ſuch a right, without which his Regal power (which he intends to keep to him and his ſucceſſors entire) cannot ſubſiſt, I willingly grant it. But the Regal power may well ſubſiſt, without the right of conſtituting or tranſlating Patriarchs. For the Regal power is entire in a Prince not Chriſtian; yet ſuch Prince hath no power to erect or remove thoſe Patriarchs, who have a Spiritual Supremacy over his, ſo many as are Chriſtian, Subjects. Again; the Prince, when Chriſtian, as now, being a Son of the Church, muſt alſo be ſubject to ſome Patriarch, *i. e.* ſupreme Church-power (giving to him Eccleſiaſtical Laws, and (if need be) inflicting Eccleſiaſtical cenſures, *&c.*) or other; and ſo muſt alſo his ſucceſſor, if Chriſtian. Neither doth his power to chuſe or appoint the perſon bearing ſuch Office, any way leſſen ſuch ſubmiſſion, ſo far as it is due; neither doth it impoſe any more ſubmiſſion upon his ſucceſſor, than is due. Why therefore this may not be a right alienable and partable with, I ſee not. When-as the Kings electing a Spiritual Supreme to be over him, ſeems not to be like the chuſing of a Chancellor, or other Officers to ſerve under him (as the Doctor compares it, *Sch.* p. 140.)

§ 61. *That ſome rights once reſigned, and parted with, cannot afterwards be juſtly reſumed.*

but

but rather like the people's electing a Temporal Soveraign. Now such people, in electing such a Temporal Prince, transfer not their dominion and power (which every single person had before over himself) upon him, or submit their obedience to him, *durante beneplacito*, or *quamdiu se bene gesserit*; *bene*, *i. e.* in their judgment (for so, who obeyeth only so long as he pleaseth, needs to obey only what he pleaseth; for so soon as any thing displeaseth, he may change his Governors. So, to make instance in the matter in hand, if *Ambrose* upon just cause exercise some Ecclesiastical censure upon *Theodosius*, *Theodosius* may presently remove *Ambrose* his Metropolitan power to another); but we tye them to Allegiance; and tell them of their former right now given away, and bind the Children and Successors to the act of their Forefathers.

Thus much of the Authority and Subordinations of the several Ecclesiastical Persons and Orders. In the next Part, I will proceed to shew you the Authority and Subordinations of these, as they are united in several Bodies of Councils.

FINIS.